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Note by the secretariat

1. In its decision 1999/104, the Commission on Human Rights requested the independent expert on structural adjustment policies to: (i) assist the open-ended working group on structural adjustment programmes and economic, social and cultural rights in the fulfilment of its mandate, in particular by elaborating draft basic policy guidelines on structural adjustment policies, and (ii) monitor new developments, including actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights, and to submit a revised report to the working group at its third session. The working group would in turn report to the Commission at its fifty-sixth session.

2. In its resolution 1999/22, the Commission requested the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights to present an analytical report to the Commission, paying particular attention to:

(a) The negative effects of the foreign debt and the policies adopted to face it on the full enjoyment of economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries.

3. Taking into account the related nature of foreign debt and structural adjustment policies, the Special Rapporteur, Mr. Reinaldo Figueredo, and the independent expert, Mr. Fantu Cheru, decided to submit a joint report, annexed hereto, for the consideration both of the open-ended working group, scheduled to meet in Geneva from 28 February to 10 March 2000, and the fifty-sixth session of the Commission on Human Rights.

Annex

DEBT RELIEF AND SOCIAL INVESTMENT: LINKING THE HEAVILY INDEBTED POOR COUNTRIES (HIPC) INITIATIVE TO THE HIV/AIDS EPIDEMIC IN AFRICA, POST-HURRICANE MITCH RECONSTRUCTION IN HONDURAS AND NICARAGUA, AND THE WORST FORMS OF CHILD LABOUR CONVENTION, 1999 (CONVENTION NO. 182) OF THE INTERNATIONAL LABOUR ORGANIZATION

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Executive summary

At the G-7 meeting in Cologne in June 1999, the leaders of the industrialized countries announced a major debt reduction initiative that goes far beyond what was discussed during the spring meeting of the International Monetary Fund (IMF) and the World Bank. The Cologne Initiative proposed incremental, but noteworthy steps toward improving the HIPC initiative which is administered by the World Bank and the IMF. Unfortunately, the debt relief, as envisaged under the Cologne reforms, would be neither sufficiently deep nor broad and would not be delivered at the pace required to address the pressing development financing needs of poor countries.

While the authors recognize the limitations of the Enhanced HIPC initiative, its new emphasis on strengthening the link between debt relief and poverty reduction represents a tremendous step forward in the tortured history of debt relief for poor countries. It is in this context that they wish to focus the world's attention on the urgent need to link debt relief to three critical humanitarian emergencies that require an immediate response from the international community because of their generalized impact on the promotion and protection of the human rights of millions of destitute people.

The HIV/AIDS epidemic, besides being the most important public health problem, has become the greatest threat to Africa's development. Past achievements in economic growth, improved life expectancy and decreasing child mortality have been quickly reversed by the speed at which the HIV virus has spread. Each day in Africa, more than 5,000 people with AIDS die, and epidemiologists expect that figure to climb to almost 13,000 by 2005. By that time, more people in sub-Saharan Africa would have died from AIDS than both world wars combined or from the bubonic plague, which killed 20 million people in fourteenth-century Europe. Because of the unfolding humanitarian crisis, the authors call upon the creditor nations and institutions to cancel Zambia's debt immediately so that resources can be devoted to the containment of the epidemic. Addressing this crisis is not an optional charity, but an obligation.

Secondly, the authors focus on the effects of Hurricane Mitch, which hit Honduras and Nicaragua with devastating force, resulting in the largest natural disaster both countries experienced in recent memory. Both countries sustained heavy losses of human life and much of their infrastructure and productive economic base have been destroyed, casting more doubts upon the future prospects of these countries to address structural poverty and underdevelopment.

Both countries are saddled with huge external debts and they will not be able to address the challenge of reconstruction and transformation of their respective economies without a large infusion of external assistance on a concessional basis. The authors believe that, considering the extent of poverty and the damage left behind by Hurricane Mitch, both Honduras and Nicaragua should be declared "disaster areas" and, accordingly, their outstanding debts to creditor countries and institutions should be cancelled outright with no conditions.

Finally, the authors propose to make a direct link between debt relief and the implementation of the Worst Forms of Child Labour Convention. Drawing largely from the successful Brazilian experience of "Bolsa Escola", they argue for creating avenues for taking

children out of the worst form of child labour by providing them support so that they can remain in school, as well as direct support to their parents so that they would not be inclined to keep the children at home as additional source of income.

The authors purposely chose these three topics for one reason. The battle over advocacy for debt relief and the Worst Forms of Child Labour Convention, which have taken many years of hard work by courageous non-governmental organizations and civil society organizations, has been won and it is time to move from "advocacy" to action. Linking debt relief to HIV/AIDS, post-Mitch reconstruction and reinvesting in children's education is one small step in the long march to eradicate poverty in the poorest developing countries.

I. GAMES NATIONS PLAY: THIRD WORLD DEBT, THE "HIPC INITIATIVE" AND THE POLITICS OF INDIFFERENCE

1 For almost 20 years, the international financial institutions and creditor Governments were engaged in the self-deceptive and destructive game of managing third world economies from afar and forcing unpopular economic policies down the throats of powerless third world countries in the belief that the bitter medicine of macroeconomic adjustment would ultimately put these countries on a path to prosperity and a debt-free existence. Two decades later, many countries are in worse condition than when they started implementing IMF/World Bank structural adjustment programmes. The social and ecological costs of these harsh austerity programmes have been far-reaching, with many countries experiencing a dramatic decline in human development indices.

2 Two decades later, and after many years of persistent resistance to the policies of IMF and the World Bank by a global coalition of non-governmental organizations (NGOs) and civil society organizations, the Bretton Woods institutions were finally pressed to recognize the need to address the issue of poor country debt and approved the Heavily Indebted Poor Country (HIPC) initiative in the fall of 1996. The World Bank and IMF have identified 41 countries as eligible for the HIPC initiative. These countries alone owed $221 billion in 1998. About $61 billion of that debt is owed to the multilateral financial institutions. To repay this debt, Governments shift scarce financial resources away from the necessary investments in human, social and physical infrastructure including schools, health services, roads, agriculture, and other areas that lay the foundation for sustainable development. Excessively high debt service payment serves to prevent these countries from getting on a path of sustainable, equitable economic growth.

3 Under the original HIPC, a country only receives debt relief after jumping two hurdles. First, it must have completed six years of structural adjustment under the IMF's Enhanced Structural Adjustment Facility (ESAF). Second, debt relief itself is a two-step process - a decision is taken to grant debt relief, subject to meeting certain additional conditions. When these are met, the debt is actually cancelled. Less than three years later, however, IMF and the World Bank concluded, at their meeting in spring 1999, that the HIPC initiative had major shortcomings and that there was a need for more substantive steps to address the debt problem. Not surprisingly, only three countries have had actual debt relief - Uganda and Bolivia, in April and September 1998 respectively, and Mozambique in mid-1999, almost three years after the programme had started. Four others - Mali, Côte d'Ivoire, Guyana and Burkina Faso - were close to fulfilling the required conditions at the end of 1999. Burkina Faso is expected to get actual debt relief in April 2000 and Côte d'Ivoire in March 2001. The stringent qualification criteria simply excluded many poor indebted countries for requesting debt relief. Furthermore, the decision by IMF and the World Bank to change course came about in response to the successful political pressure mounted by the international Jubilee 2000 movement, which called for debt cancellation for the poorest countries.

4 Finally, as we will make clear in this report, the inflexibility of IMF and the World Bank on macroeconomic conditionalities put undue and unnecessary pressure particularly on countries that are trying to come to terms with wide-scale humanitarian crises owing to the effects of war and genocide (e.g. Sierra Leone, Rwanda) and natural disasters (such as Hurricane Mitch in Honduras and Nicaragua), and countries where high HIV/AIDS prevalence is wiping out decades

of development (e.g. Zambia). For these crisis-ridden countries, ESAF conditionalities should not remain the sole gatekeeper for determining eligibility for debt relief. In fact, debt relief should be part of a much larger humanitarian assistance. The HIPC initiative should avoid excessive conditionality so as to allow for greater flexibility for countries facing major humanitarian crises or emerging from conflict. As it stands now, the HIPC initiative is grossly inadequate, and can only be part of the solution, not the whole.[1] Other parts include increasing aid flows, mobilizing internal savings, improved terms of trade, increasing and diversifying exports. These countries cannot afford to wait three to six years before receiving HIPC debt relief.

HIPC and the post-Cologne consensus: Old wine in a new bottle?

5. At the G-7 meeting in Cologne in June 1999, the leaders of the industrialized countries announced a major debt reduction initiative that goes far beyond what was discussed during the spring meeting of the IMF and the World Bank. The Cologne Initiative proposed incremental, but noteworthy steps toward improving the HIPC initiative which is administered by the Fund and the Bank. Chief among these are the proposal to grant larger reductions of the total accumulated debt (the debt overhang), quicker reductions in debt service payments and, finally, placing poverty reduction at the heart of an enhanced HIPC framework. Unfortunately, the debt relief, as envisaged under the Cologne reforms, would be neither sufficiently deep nor broad and would not be delivered at the pace required to address the pressing development financing needs of poor countries.

6. The HIPC debt relief is caught in a complex web of IMF and World Bank eligibility conditions. Among other factors, eligibility for debt relief under the enhanced HIPC initiative is conditioned upon "good performance" in the implementation of an IMF and World Bank Enhanced Structural Adjustment Facility (soon to become the Poverty Reduction and Growth Facility - PRGF) for a period of three years instead of six years under the original HIPC. Having reached the decision point after the first three years of good economic performance, the country must then demonstrate that its debt-servicing is unsustainable, following designated threshold values with respect to the ratio of debt to exports, and the ratio of debt to fiscal revenues.[2] If the country finally qualifies for relief, its debt-servicing is brought down to what is deemed, within the terms of the initiative, to be a sustainable level only after reaching the completion point, or a further three-year waiting period. This less than generous arrangement still leaves the country deflecting a sizeable portion of its scarce foreign exchange earnings into debt-servicing for an indefinite period of time. Put simply, HIPC/ESAF is a back-door way for both IMF and the World Bank to maintain control over the national development policies of poor and indebted countries.

7. There is, however, one new critical element contained in the enhanced HIPC initiative which was absent under the old HIPC. Countries wishing support for debt relief, or from the International Development Association (IDA) and under the ESAF, should prepare a comprehensive poverty reduction strategy which would be set out in poverty reduction strategy papers (PRSP).[3] The PRSPs should be country-driven, prepared and developed transparently with broad participation of civil society, key donors and other relevant international financial institutions (IFIs), and linked clearly with agreed international development goals-principles

embedded in the Comprehensive Development Framework (CDF). The idea, which is a brainchild of Oxfam and UNICEF, is designed to serve as a "contract" between debtors and creditor Governments.

8. While the responsibility of preparing PRSPs rests first and foremost with the authorities of the countries concerned, the consultative process could be facilitated by the Bank, with the involvement of the Fund on macroeconomic policies and in relevant structural areas. Governments may also need to seek extensive technical assistance - including from the Bank and Fund - on the elaboration of policies within the PRSP.[4] The only problem is that key United Nations specialized agencies, with extensive experience in poverty eradication, are completely excluded from playing a key role in the management of the HIPC initiative. This is a serious omission that must be addressed quickly if the initiative is to bear any fruit and be sustainable. By comparison, the non-governmental organizations have had much better luck than the combined United Nations system in having a constructive dialogue with the IFIs.

9. Indeed, the emphasis on strengthening the link between debt relief and poverty reduction represents a tremendous step forward in the tortured history of debt relief for poor countries. At the same time, how much weight both the IMF and the World Bank will attach to poverty strategy plans that are an outcome of genuine and broad-based national consultations in determining debt relief to a country remains to be seen. First, poverty reduction is a new terrain for IMF, and it is still doubtful that the Fund is genuinely interested or has the necessary internal capacity to integrate ESAF-macroeconomic conditions in broader social development goals. While expenditures on education and health services will be expanded under the new HIPC, the structural factors that induce poverty are unlikely to be addressed by conventional structural adjustment programs.[5] Second, the decision to link debt relief to ESAF conditionalities is a clever way for the IMF to dictate to countries unquestioning acceptance of its neo-liberal economic orthodoxy. This would in the end influence the theoretical content of the national poverty reduction strategy papers, effectively bringing them into line with the theoretical thinking of the IMF.

10. The recent experience of IMF in implementing ESAF had shown that high levels of non-compliance by countries is, in part, a symptom of the top-down approach by the Fund in the design of loan conditions. At the end of the day, fulfilling ESAF conditionalities rather than demonstrated government efforts toward poverty reduction would ultimately determine qualification for debt relief.[6] Finally, while debt relief is important in the short run, the extent to which additional fresh resources would be available for HIPC countries is not certain. Debt relief alone is not going to be enough to put these broken countries on a path of sustained growth. If one goes by the experience of the recent budget compromises in the United States Congress, funding for HIPC is not all assured. President Clinton sent a request to Congress for $1 billion in additional funds for debt relief to heavily indebted poor countries, including 100 per cent cancellation for debts owed by 30 of them to the United States Government. When the final budget deal was completed in late November, Congress had approved only $130 million for debt relief, and that amount will cover only bilateral debt relief. Congress did, however, authorize revaluation of approximately 10 million ounces of the IMF gold reserve and for the transfer of the proceeds to fund new IMF structural adjustment lending under the ESAF

programme [7] The Jubilee 2000 movement, especially in developing countries, opposes ESAF and would like to see IMF use the money to cancel loans rather than fund further structural adjustment.

11. The enhanced HIPC initiative could become more meaningful and poverty oriented only if decisions on conditions and terms of debt relief are left to the countries themselves, subject to broad consultation with civil society organizations in the country. In addition, the initiative could become effective if United Nations specialized agencies with a broad conception of the poverty problem, such as UNDP, ILO and UNICEF, are invited to become partners with the Bretton Woods institutions in the management of the HIPC initiative. This would guarantee that both macroeconomic objectives and social development goals are simultaneously addressed by the HIPC Initiative.[8] The national PRSP, if done properly, will become an important policy instrument so long as the countries have the autonomy to determine the content of the framework, and on the basis of broad and transparent consultation with civil society and the private sector. The PRSP, which would be updated regularly, would in essence become the basic framework that would be used to guide Bank/Fund lending operations to poor countries in the future. It is expected that other donors would also use the same framework for determining their assistance to Governments. The PRSPs will contain the following key elements:[9]

(a) Structural, institutional, social, and macroeconomic conditions, and country policies which impact on existing poverty outcomes, identification of the obstacles to more rapid growth and poverty reduction and priorities for tackling these, elaboration of a medium-term macroeconomic framework and structural policy matrix to support poverty reduction;

(b) Existing and planned consultative processes available to Government to include the views of civil society, the private sector and other domestic stakeholders, and of donors, regional development banks, and other international financial institutions and organizations;

(c) Intermediate and final outcome indicators, their relationship to the international development goals of 2015, and the role of civil society in monitoring these outcomes;

(d) The integration of external finance and resource flows into the strategy;

(e) Capacity-building and technical assistance requirements to support the strategy.

12. Unfortunately, not all HIPC countries have the necessary institutional and intellectual set-up or the database to write their own poverty strategy framework at the present moment. In the short and medium terms, very many HIPC countries in Africa are likely to rely on Fund guidance, making "national ownership" of the programme a real sham.

13. In the final analysis, the Cologne Initiative did no more than raise expectations beyond reasonable limits, and the last chapter of the third world debt drama has yet to be written. There exists a great deal of scepticism about the willingness of Western creditor countries and the multilateral development banks to break the chain of debt bondage of the HIPC countries, not to mention the adequacy of funding for HIPC to wipe the slate clean. Conditionality and external control remain the core guiding principles of the enhanced HIPC initiative despite the claims of the architect of the plan that poverty eradication is the real objective of the initiative.[10] Linking

debt relief to successful implementation of ESAF is a major mistake and this is bound to delay much-needed relief to countries desperately in need of fresh resources to fix broken-down social systems [11] Past experience shows that many African Governments have failed to meet such conditionalities of adjustment and reform In fact, in recent years, three out of four ESAF programmes have broken down because their conditions were too tough to be fulfilled These programmes place too great a burden on people living in poverty

14 It is for these reasons that the Southern Jubilee 2000 movement continues to insist that debt relief be conditioned on the development and implementation of transparent mechanisms along the lines of Uganda's Poverty Action Fund which tries to ensure that resources freed up by debt relief go directly to poverty eradication and sustainable human development [12] This process of debt cancellation needs to be monitored by NGOs and civil society, possibly in collaboration with parliaments New borrowing and lending must also be monitored by civil society for its relevance to human, sustainable development

15 Finally, debt relief, important as it is, will have left its own bitter legacy for future development financing for poor countries At the moment, donors are replenishing both the HIPC and ESAF Trust Funds by redirecting current bilateral budget allocations instead of mobilizing new resources to fund the initiative [13] In the long run, important sources of development assistance are likely to be at risk Aid budgets to poor countries, already at the lowest level in decades, may be reduced further due to "crowding out" by the need to find resources to finance debt reduction Thus, to provide debt relief and then reduce other resources for development makes little sense Although it is still too early to pass judgement on HIPC, the initiative may turn out to be a sham if it fails to liberate poor countries from debt bondage and help them to start the broad process of human development

II. ZAMBIA: DEBT, HIV/AIDS AND THE YEAR OF LIVING DANGEROUSLY

16 Zambia belongs to the category of HIPC countries wherein the debt burden has been a major contributor to the persistence of underdevelopment It has taken a heavy toll on public budgets, severely shrunk the resources available for development and greatly reduced the prospects for growth Even before HIV/AIDS became recognized as the greatest threat to human development in Zambia, the country's external debt, regularly serviced at the expense of vital social programmes, had already destroyed many of the social gains made in the 1960s and 1970s [14] Thus, finding lasting solutions to Zambia's debt can open up a strategic entry point to contain the threat of the HIV/AIDS epidemic to sustainable human development

17 The total external debt of Zambia stood at $6.5 billion in 1998 Of this, 46 per cent is owed to the multilateral institutions, such as IMF, the World Bank and the African Development Bank Because multilateral debts are "preferred and exempt" debts, they cannot be rescheduled or cancelled and they take precedence over other debts Debt service payments falling due in 1998 totalled $123 million and were paid to creditors accordingly $89 million to multilateral and $34 million to Paris Club creditors The $123 million in debt service payment was equivalent to about 69 per cent of the funds budgeted for the social sectors Yet no nation can develop without educated and healthy citizens, no matter how faithfully it may meet debt-servicing requirements [15]

18. Zambia's current debt crisis originated in the mid-1970s when the country experienced a fall in copper prices. The two rounds of oil price hikes in the late 1970s further compounded Zambia's economic difficulties and the balance of payment position continued to worsen. From the mid-1980s onwards, the Government relied more and more on external borrowing to finance needed imports, further allowing the debt pyramid to grow.[16] The total external debt stood at $3.7 billion in 1992, $4.2 billion in 1994 and $6.4 billion in 1997. The increase in the debt stock over the period is largely on account of increased borrowing from the multilateral "soft window". As a result, the share of multilateral debt rose from 39 per cent in 1992 to 52 per cent in 1997. Of the total exposure to multilateral creditors, debt owed to the World Bank group accounted for 43.8 per cent while IMF debt accounted for 36.4 per cent.

Table 1. Social sector expenditure and debt servicing, 1991-1996 (US$ million)

Year	Education	Health	All social sectors	Debt servicing
1991	107.8	73.6	192.5	565.0
1992	78.6	46.8	137.1	275.8
1993	72.0	44.7	145.3	315.9
1994	76.0	74.1	176.7	324.4
1995	91.6	72.4	191.8	348.7
1996	88.4	67.7	176.1	256.4
As % of GDP, 1993-1996	2.5	2.0	5.3	10.3

Source: M.J. Kelley, Primary Education in a Heavily Indebted Poor Country: The Case of Zambia in the 1990s, Oxfam and UNICEF, Lusaka.

19. Total debt service paid increased to $349 million in 1995 from $276 million in 1992, then dropped to $256 million in 1996 and $233 million in 1997. Projected debt service for 1998-2002 indicates that Zambia will require $291 million in 1998, $350 million in 1999 and $392 million in the year 2000. In 2001, scheduled debt service will grow by over 58 per cent to $621 million. This indebtedness is crushing all possibilities for human development by diverting resources from investment in education and health care. The subordinate treatment that the social services have been receiving vis-à-vis debt servicing is well exemplified in table 1, above.

20. The Government has pursued a policy of seeking debt forgiveness and rescheduling in order to reduce the debt burden. During the period 1992 to 1997, various creditors extended debt relief amounting to a total of $1,873,000,000, of which $1,440,000,000 was provided by the Paris Club creditors and the balance by both non-Paris Club and commercial creditors. The multilateral creditors have offered no debt relief. It is possible now that Zambia can qualify for debt relief under the enhanced HIPC initiative if the Government successfully fulfils numerous macroeconomic and governance conditionalities that creditor countries are demanding. At the earliest, it would be three years before the Government could hope to get real debt relief. But this is no cause for celebration when one considers the cataclysmic impact that HIV/AIDS is having on the population of Zambia and on the future development prospects of the country in general.

A. "Silent emergency in progress": the human and economic consequences of HIV/AIDS in Africa

21. The HIV/AIDS epidemic, besides being the most important public health problem, has become the greatest threat to Africa's development. Past achievements in economic growth, improved life expectancy and decreasing child mortality have been quickly reversed by the speed at which the HIV virus has spread.[17] While we have refrained from labelling the unfolding humanitarian crisis as "genocide by omission", we are prepared to point out that irresponsible failure by national Governments and the international community to respond expeditiously to the crisis in Africa is partially to blame for the spread of the virus with its deadly consequences. Failure to contain the epidemic is having a major impact on the economic development prospects of Africa. Many countries with high HIV incidence are losing their best and brightest workers - teachers, accountants, farmers and businessmen.

22. In sub-Saharan Africa, 23.2 million people are living with HIV - two thirds of the world's total. Women account for 55 per cent of HIV-positive adults and mother-to-child transmission continues to be the leading cause of infection among young children.[18] In 1998 alone, 5.6 million people were infected with the HIV virus worldwide, and 4 million of those were Africans. In addition, more than 8 million children have lost their mothers or both their parents to AIDS. Of the 14 million people who died of AIDS worldwide since the epidemic began, 12 million were from Africa. Each day in Africa, more than 5,000 people with AIDS die, and epidemiologists expect that figure to climb to almost 13,000 by 2005. By that time, more people in sub-Saharan Africa would have died from AIDS than died in both world wars combined or from the bubonic plague, which killed 20 million people in fourteenth century Europe.[19] In 1999 alone, 2.6 million people died of HIV/AIDS, the most of any year since the epidemic began, and 2 million of those who died were Africans. As UNICEF Executive Director Carol Bellamy put it, the "HIV/AIDS epidemic is the most terrible undeclared war in the world, with the whole of sub-Saharan Africa a killing field."[20]

23. Of all the regions in Africa, southern Africa has been particularly ravaged by a form of HIV/AIDS that is killing more people and much more rapidly than in any other region in the continent. Estimates of the percentage of adults (15-49 years old) infected with HIV range between 16 and 32 per cent in the subregion. Of the 9.6 million people who died in sub-Saharan Africa since the beginning of the epidemic, 9.2 million were from eastern and southern Africa. According to UNICEF, AIDS will orphan 11 million children in 12 eastern and southern African countries by 2010.[21]

Table 2. HIV and AIDS estimates, global and sub-Saharan Africa

Region	Infected people (millions)	Infected in 1999 (millions)	% of adults infected	% of infected who are women
Sub-Saharan Africa	23.30	3.800	8.00	55
Caribbean	0.36	0.057	1.96	35
South/South-East Asia	6.00	1.300	0.69	30
Latin America	1.30	0.150	0.57	20
Western Europe/ North America	1.44	0.074	0.39	20
Eastern Europe/Central Asia	0.36	0.095	0.14	20
North Africa/Middle East	0.22	0.019	0.13	20
East Asia/Pacific	0.53	0.120	0.07	15

Source: UNAIDS/WHO, AIDS Epidemic Update: 1999.

24. In Zambia, in 1997, it was estimated that about 20 per cent of adults were infected. That means that one out of five people aged 15-49 was HIV positive. It is estimated that by 1999, the cumulative number of deaths from AIDS since the beginning of the epidemic in Zambia will be nearly 1 million. The annual number of deaths among adults aged 15-49, which has been increasing slowly, will reach 70,000 and 127,000 by 2000 and 2005 respectively, or nearly 350 per day by 2005.[22]

25. It is only recently that many donor Governments and institutions have begun to recognize the impact of the epidemic on Africa's future development and have started to provide funding to support national efforts. In a letter dated 16 March 1999, the United States Secretary of State, Madeline Albright, stated, "The growing prevalence of HIV/AIDS, and its actual and potential deadly impacts, require us to revise our thinking about political and economic security. As deadly as any missile, as devastating as any financial collapse, the HIV/AIDS pandemic is the enemy of stability and productivity worldwide."[23] And during the meeting of the World Trade Organization (WTO) in Seattle, President Clinton announced that the United States would adopt a liberal and flexible intellectual property rights policy to respond to legitimate public health crises such as HIV/AIDS. At the World Bank, the biggest lender to Africa, a whole unit, called ACTafrica, has been established to ensure the mainstreaming of HIV/AIDS into Bank-funded projects in Africa. Had this level of awareness existed in the early 1970s when the epidemic started, donors would have made a big difference both in the way national Governments respond to the crisis as well as in the development and testing of preventive measures.

26. Needless to say, more awareness of the HIV/AIDS crisis in Africa has yet to translate into more compassion from donors and creditor institutions. The HIPC initiative could be one important source of funding for HIV/AIDS prevention programmes in heavily indebted poor countries. Unfortunately, the initiative is tangled up in a web of macroeconomic conditionalities, which is likely to delay badly needed debt relief. While creditor Governments haggle over the scale of debt reductions that should be granted to poor countries, many of the gains of the 1960s and 1970s in Africa are being wiped out by the HIV/AIDS pandemic at a breakneck pace. By the time IMF and World Bank technocrats have managed to guide many African HIPC countries

from "decision point" to "completion point" in the abstract and complicated HIPC process, millions of Africans would have died from HIV/AIDS and millions more would have been infected or have become orphans. This is unethical and unacceptable. Loss of life of this magnitude to a virus of any kind in Western Europe or North America would have brought a different reaction from an international community. If it had not been for a few courageous institutions such as UNICEF, UNAIDS, WHO and NGOs that have kept the issue alive, the silent emergency of HIV/AIDS in Africa would have disappeared from the front pages of the Western media.

B. HIV/AIDS as a development crisis

27. Zambia has one of the worst HIV/AIDS epidemics in the world. It is estimated that 20 per cent of the adult population between the ages of 15 and 49 is currently HIV positive. This means that one in five of those Zambians now over the age of 15 will probably die at a young age from this disease, mostly over the next 3-10 years.[24] It has been estimated that some 500 new infections occur each day. An even higher percentage of Zambians are suffering from HIV/AIDS-related "opportunistic" diseases such as tuberculosis.[25] With its high casualty rate, especially among the most economically productive segments of the population, and the rising incidence of orphanage - estimated at 1 million by the year 2000 - the disease is impacting very adversely on Zambian society.

28. The opportunity cost of HIV/AIDS on Zambia's development prospects is enormous. This is particularly troubling since nearly 70 per cent of the households in the country already live below the poverty line.[26] Widespread poverty creates situations of vulnerability to infections - women may have little choice but to enter into sexual relationships where there are no economic opportunities. Lack of education and low literacy rates make information less accessible. Once HIV becomes established, all these problems are intensified as sickness reduces the capacity of adults to work or to cultivate what land they have. As household poverty deepens, girls are taken out of school, women are forced into prostitution, and children are orphaned, reducing further their chances for education.[27]

1. Impact on employment and productivity

29. With rising adult mortality from AIDS, people with essential skills account for a significant percentage of HIV/AIDS-related deaths. Teachers, accountants, civil servants and other professionals are dying in large numbers. As a result, labour productivity diminishes and HIV/AIDS is now a central concern of firms since the cost of labour increases as productivity declines due to higher morbidity and increased absenteeism. One review of 33 businesses in Zambia showed a dramatic increase in average annual mortality from 0.25 per cent in 1987 to 1.6 per cent by 1992.[28] Barclays Bank of Zambia has lost more than a quarter of its senior managers to AIDS. On a large sugar estate, 755 of the deaths between 1992 and 1993 were HIV related.[29] Part of the reason for increased absenteeism is the time employees spend at funerals. Additional training costs will be incurred as labour turnover increases. In addition, businesses have to pay out more in medical care, salary compensation for families of the deceased and funeral grants.

2. Food security is being undermined

30. HIV/AIDS is also having a disastrous impact on the productivity of the agricultural sector.[30] Productivity is affected by many factors: absenteeism from the farm owing to sickness, shortage in the supply of labour, the loss of agricultural knowledge and management skills. In addition, families are forced to sell livestock and other essential assets to cover the cost of caring for the sick, further exposing themselves to poverty, and eventually, they are forced to migrate to the cities in search of livelihood.

3. Health services are overstretched

31. The enormous health cost and burden of HIV/AIDS on the entire health care system of Zambia has been enormous. HIV/AIDS is already absorbing a large share of hospital resources and a substantial share of health sector budgets and human resources. Since most households and communities are living in poverty, there are few options whereby the burden of care can be shifted from the public health services to households and communities.[31]

4. Impact on education

32. The impact of HIV/AIDS on the education sector is particularly worrying. The epidemic is having a tremendous impact on both students and teachers. High mortality rates as a result of HIV/AIDS will have reduced the primary school age cohorts significantly. It is projected that the population aged 15 and under will reach 5.4 million in 2010, instead of the 6.8 million it might have attained if the incidence of AIDS had been less widespread.[32] Even before the spread of HIV/AIDS, school participation rates had begun to decline because of poverty even though the number of school-age children was increasing. And as more and more children become orphans owing to loss of both parents from HIV/AIDS, schooling takes a back seat since there is no one to pay school fees and meet their daily subsistence requirements. In short, there will be fewer children to educate in the future if the epidemic continues unchecked.[33]

33. The educational system is dealt a blow by a high level of mortality among teachers due to HIV infection. It is estimated that more than 30 per cent of teachers in Zambia are already infected with the HIV virus.[34] Ministry of Education data show that 680 teachers died in 1996, 624 in 1997, and 1,300 in the first 10 months of 1998. This means that the number of teacher deaths rose from less than two per day in 1996 to more than four per day in 1998. For the education system, the 1998 deaths were equivalent to the loss of about two thirds of the annual output of the newly trained teachers from all training institutions combined.[35]

5. A decline in life expectancy

34. HIV/AIDS is dramatically decreasing life expectancy. In the case of Zambia, life expectancy, which stood at 54 years a few years ago, has plummeted to 37 and is expected to decline in the coming decade to 30 years. In nine countries in Africa with an adult HIV/AIDS prevalence of 10 per cent or more (Botswana, Kenya, Malawi, Mozambique, Namibia, Rwanda, South Africa, Zambia and Zimbabwe), life expectancy in the first two decades of the next century is projected to decrease to 47 years instead of rising to 64 years.[36] Because the epidemic is concentrated in young people and adults at the peak of their economic and social productivity,

it threatens development. This represents a reversal of most development gains of the past 30 years.[37] Declining life expectancy is further aggravated by rising child mortality rates and in so doing is reversing gains in child survival. According to UNAIDS, 25 per cent more infants are already dying in Zambia and Zimbabwe than would have been the case without HIV.

6. A growing orphan problem

35. In the wake of the epidemic is the growth in the number of AIDS orphans. It is estimated that in the year 2000, orphans would number 1,660,000 of whom some 750,000 would be maternal and double orphans and 910,000 would be paternal orphans.[38] According to UNICEF, this would constitute about 34.3 per cent of the total number of children under the age of 15.

36. As described above, the overall effect of HIV/AIDS on Zambia's development prospects is significant and the cost of delaying an intensified response is monumental. It is estimated that given the direct costs of medical treatment and worker attrition, and the costs associated with AIDS, without any increased foreign resources GDP would fall by about 9 per cent below projected levels. If the additional costs are met by foreign resources, GDP would fall by about 5 per cent.[39] Without an unprecedented infusion of foreign aid as soon as possible, national income could be reduced by as much as 10 per cent. It is because of the evolving humanitarian crisis in Zambia (and Africa as a whole) that we call upon the multilateral institutions to immediately cancel Zambia's debt and provide fresh resources so that the crisis can be contained quickly and that real development can resume on sound footing. The need to strengthen care, treatment, and social support should therefore become a high priority.

C. HIV/AIDS and the politics of indifference

37. The unprecedented scale of HIV/AIDS-related death and the breakdown of family and social network systems in Africa have yet to mobilize the international community into action. What explains the gross indifference by the international community to the widening humanitarian crisis of HIV/AIDS in Africa? Why have so many African leaders kept "silent" when their citizens are being decimated by the epidemic on a daily basis?

38. The reaction of Western Governments to the HIV/AIDS crisis in Africa amounts to callous indifference when compared to recent Western response to the most widely televized and strategically important trouble spots - Turkish earthquakes, Balkan wars and Middle East peace agreements. In Kosovo, because of the presence of CNN cameras, the response of the international community has been swift and often with large sums. In Africa, on the other hand, the silent emergency of HIV/AIDS takes its toll on a daily basis in remote villages and the narrow streets of overcrowded shanty towns far away from the nearest CNN camera. Continued warnings about the impending crisis by WHO and UNAIDS have fallen on deaf ears.

39. The lack of urgent action from the international community to the HIV/AIDS epidemic in Africa must be viewed in the larger context of "donor fatigue" and "afro-pessimism" which have prevailed in recent years. Since the end of the cold war, overall donor assistance to Africa has been shrinking. Many United Nations agencies working in Africa, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), have repeatedly pointed to the unequal treatment of Africa by the donor community. For example, in 1999, donors provided less than three fifths of the $800 million the United Nations requested for emergencies in

sub-Saharan Africa. Similarly, the World Food Programme (WFP) announced in September that it would curtail its feeding programme for nearly 2 million refugees in Sierra Leone, Liberia and Guinea after receiving less than 20 per cent of requested funding. An emergency appeal during the summer to feed and shelter at least 600,000 Angolans who had been displaced in that country's long-standing civil war - a number nearly equal to Kosovo's refugees of last spring - brought minimal initial response and predictions of mass starvation. In the Great Lakes region of Congo, Burundi and Rwanda, the United Nations estimated it would need $278 million to take care of nearly 4 million people crowded into refugee camps. By late October, only 45 per cent of that amount had been donated.

40. By contrast, Kosovo and Bosnia have been able to generate one of the biggest international responses in recent memory. The reason for the differing response by the international community is simple. Kosovo and Bosnia were "loud emergencies" unfolding in front of television cameras and affecting largely people of European descent; the HIV/AIDS epidemic in Africa is a "silent emergency" affecting largely poor black Africans, who are constantly portrayed by the Western media as being in a state of permanent crisis. Therefore, with declining ODA and shifting priorities, the capacity of African Governments - already burdened with huge debts - to combat hunger, homelessness and disease has been hampered.

41. Complicating further the fight against HIV/AIDS in Africa has been the cold-blooded abandonment of millions of poor Africans by their own Governments. Outside of South Africa, Uganda and Senegal, where enlightened political leaders have taken a proactive role to mobilize the population against the spread of HIV/AIDS, many African leaders have become obstacles to any concerted effort by donors, NGOs and civil society groups to mount major campaigns to contain the spread of the epidemic.[40] Many of these corrupt leaders care more about their Swiss bank accounts than about the survival of their own people. Instead of compassion, these leaders regard the victims of HIV/AIDS as useless citizens whom they don't have to educate or feed anymore. These African Governments, which fail to respond properly to the AIDS crisis in their countries, should be held responsible for violations of human rights.

D. HIV/AIDS and the cruel irony of the market: how WTO's TRIPS regime costs lives

42. Even if the African countries were to get significant amounts of debt relief and an infusion of fresh resources to combat the epidemic, the right to health is being jeopardized by the Trade Related Intellectual Property Rights (TRIPS) regime of the WTO which prevents African Governments from acquiring or producing affordable drugs to help the 22 million Africans infected with HIV. These countries simply do not have access to the medical advances that have stalled the AIDS epidemic in the West. There is a gap between the drug-price structure and the real needs of the majority of poor people in developing countries. Countries either have to purchase drugs at market prices, which is far beyond their means, or risk trade sanctions by the United States for buying or developing generic drugs at lower prices.[41]

43. Developing countries are beginning to realize now the public health consequences of joining the World Trade Organization, which many have done in the 1990s. Before joining WTO, they could avoid the high retail prices charged by pharmaceutical companies. But in joining WTO, a country agrees to honour foreign patents and acknowledges that it would face

sanctions for dealing in generics produced before a patent expires. The TRIPS agreement requires every country to pay full retail price. However, the agreement releases countries facing a health emergency from any obligation, allowing it to produce the drug itself provided it pays a negotiated royalty to the patent holder.

44. The threat by the United States to punish countries that violate the TRIPS regime has worked but to the detriment of millions of Africans infected by HIV. For example, in 1998, when South Africa - where 1 in 10 people is HIV positive - passed a law permitting the Government to make drugs it deemed too expensive, the United States Government placed South Africa on the "301 watch list", which is seen as a prelude to trade sanctions. Similarly, Thailand dropped plans to produce the anti-AIDS drug ddI after United States officials threatened sanctions against key Thai exports. On 17 September 1999, however, South Africa was taken off the watch list after officials from both sides met and discussed the matter and reached an agreement.

45. Until the time of the WTO meeting in Seattle, Clinton administration officials, in defence of the policy, had emphasized the importance of protecting patent rights in a pharmaceutical industry that invests heavily in research. In so doing, United States trade policy has placed the profits of greedy drug companies above public health by threatening poor countries that wish to manufacture the drugs themselves, despite international laws that permit countries to do so when facing a public health emergency. This is of course a structural problem that must be handled outside the purview of the discussion on debt relief.

46. In a reversal of past policy, President Clinton announced during the WTO meeting that the United States would take a liberal stand with regard to intellectual property rights as they relate to public health issues. In his address to WTO, the President stated:

> "Today is World AIDS Day. And today, our trade representative and the Department of Health and Human Services are announcing that they are committed to working together to make sure that our intellectual property policy is flexible enough to respond to legitimate public health issues. Intellectual property protections are very important to a modern economy, but when HIV and AIDS epidemics are involved, and like serious health crises, the United States will henceforth implement its health care and trade policies in a manner that ensures that people in the poorest countries won't have to go without medicine they so desperately need". [42]

This is welcome news, although we must wait and see how the President's directives are actually implemented. It is possible that whoever becomes the next President of the United States can easily reverse the current position of the administration.

E. Linking debt relief to combating the HIV/AIDS epidemic in Africa: the Case of Zambia

47. It must be clear from the above analysis that the HIV/AIDS epidemic in Africa is the most serious threat to human development, depleting the most educated, energetic and productive segment of African society and thereby draining human capital development. Furthermore, the crisis exerts undue pressure on limited infrastructure and resources and impacts negatively on productivity, thereby affecting overall economic growth. This is particularly true,

not only for Zambia, but also for many other African countries that are saddled with huge unpayable debt. The servicing of this debt is diverting scarce resources away from vital social services and constraining the capacity of Government to respond to the HIV/AIDS crisis in a constructive way.

48. In spite of the vibrant potential of the response of NGOs and Church groups and the serious attempt these groups have made to do as much as possible in this area, most civil society-sector HIV/AIDS prevention and management interventions have been limited, primarily by scarcity of funding. Similarly, HIV/AIDS response in the public sector also has been constrained by a lack of financial resources. This has been due, in large part, to a combination of factors: the poor macroeconomic situation in Zambia combined with the need to service the national debt. Debt servicing has, on average, been absorbing nearly a third of the country's export earnings. In 1998, for example, Zambia paid $125 million in debt service payment to Paris Club creditors and the multilateral institutions. This amount represented a significant portion of overall government expenditure, equal to 69 per cent of the amount budgeted for all social sectors combined that same year. As a result, the ability of public sector institutions to effectively implement HIV/AIDS prevention and control activities has been significantly hampered.

49. The Government of Zambia, working with several local NGOs and Church organizations, has proposed a multi-donor debt relief programme to accelerate the national response to HIV/AIDS. Under this proposal, scarce national funds which now go to service the debt would be set aside for investment in activities that will control the spread of HIV/AIDS. The funds would then be used by both civil sector groups and public social sector institutions to implement activities nationwide, which would be designed to prevent HIV/AIDS, manage existing cases, and address the growing orphan crisis. The combined civil and public sector response would be part of the overall National HIV/AIDS Strategy developed by the multisectoral HIV/AIDS Council and Secretariat. The amount estimated to be required for channelling into HIV/AIDS prevention and impact mitigation programmes, as a result of debt relief is $89 million over a five-year period.[43] This is an average of nearly $18 million per year to cover all the programmes in both the public sector and civil society- a small change when compared with the $2.5 billion spent in Kosovo by the North Atlantic Treaty Organization during the first month of the air war. An independent non-governmental body will manage the fund, and it will be governed by a Debt Relief Steering Committee composed of representatives from NGOs, Government and the donor community. This will ensure financial and programmatic accountability.

50. Zambia's progress towards qualifications for debt relief under the enhanced HIPC initiative hinges largely on the Government's capacity to show real and tangible progress in keeping the promise it made during the last consultative group meeting to institute fundamental governance reform. While we are in full agreement with the donors concern regarding this issue, we are equally concerned that the resources that are needed to tackle the HIV/AIDS epidemic might be held up indefinitely if progress in governance reform falters. As a consequence, the excellent work that the NGOs have done so far, with meagre resources, to prevent the spread of HIV/AIDS in Zambia will be completely wiped out.

51. As independent experts, we found the Zambian Debt Relief-for-HIV/AIDS proposal to be extremely innovative; it deserves immediate donor support. **Given the magnitude of the**

HIV/AIDS epidemic in Zambia, "health emergency" criteria instead of ESAF macroeconomic conditions should be used to grant debt relief to Zambia. It must be clear to the donor community and to the IFIs that HIV/AIDS cannot wait until national budgets are balanced and the inflation rate is brought down to reasonable levels. Action is needed now, not three years down the road by which time millions more Africans would have been infected or died of HIV. That would be a great humanitarian tragedy for which the international community would ultimately be held responsible.

III. HONDURAS AND NICARAGUA: DEBT, HURRICANE MITCH AND THE BURDEN OF RECONSTRUCTION

52. The devastating effects of Hurricane Mitch, which hit Honduras and Nicaragua with heavy rains from 25 October to 1 November, resulted in the largest natural disaster both countries had experienced in recent memory. Both countries sustained heavy losses of human life and much of their infrastructure and productive economic base was destroyed, casting more doubt on the future ability of these countries to address structural poverty and underdevelopment. In the case of Nicaragua, the loss of life and the destruction caused by Mitch overshadowed the devastation caused by the 1972 earthquake that levelled the capital, Managua.

53. Both countries, already saddled with huge external debts, will not be able to address the challenge of reconstruction and transformation of their respective economies without a large infusion of external assistance on a concessional basis. The need for a complete write-off of their huge external debt should be the starting point for any meaningful donor assistance to both countries. Unfortunately, because of the linkage of HIPC to ESAF conditionalities, the speed at which both countries can receive debt relief hinges upon how successfully they can implement the current ESAF. This is a major concern for both Governments and human rights organizations which argue that ESAF should not be used as the sole gatekeeper for debt relief given the economic and social damage left behind by Hurricane Mitch.

A. Nicaragua: indebtedness and the legacy of Hurricane Mitch

54. Nicaragua is the second poorest country in the Latin American and Caribbean region, with per capita income of $470 in 1997, over half of its population in poverty, one fifth in extreme poverty and weak social indicators. Nearly half the economically active population is either unemployed or underemployed in informal economic activities. Unemployment has been exacerbated in the 1990s by lay-offs owing to public spending cuts and the privatization of State enterprises, as well as by the demobilization of the Contras and government soldiers. Following a period of stagnation in the early 1990s, Nicaragua's economy had been growing at a steady pace since 1994 and was heading towards a GDP growth rate of around 6 per cent in 1998, according to both the Government and IMF. The economy has been transformed from a centralized, publicly managed to a private sector-owned economy through the divestiture of around 350 State-owned enterprises since 1991 and cuts in public expenditure, especially in defence and public security.[44] Trade liberalization has been a cornerstone of economic policy in the 1990s, as a means both to increase foreign currency earnings to service the large debt burden and to attract investment in industry. The rapid economic recovery was accompanied by a resurgence of private sector confidence, reflected in a more than doubling of private investment

from 7 per cent of GDP in 1994 to an estimated 18 per cent in 1997. Unemployment had declined from over 20 per cent in 1994 to less than 14 per cent in 1997, largely due to new jobs created in the expanding sectors such as maquila.

55. Nicaragua owes $6.3 billion to creditor countries and institutions, almost three times the size of its GDP. Of this, $1.8 billion are owed to multilateral institutions, $4.2 billion to bilateral creditors, and only $244 million to commercial banks. The bilateral debt is largely composed of concessional loans and export credits. In 1998, the debt service payment was equivalent to 56.4 per cent of export earnings. The $6.3 billion debt in 1998 represents a substantial improvement compared with a peak of $12.1 billion in 1994, before former President Violeta Barrios de Chamorro (1990-1996) secured massive bilateral debt reductions. In addition, Nicaragua retired $1.4 billion of its commercial debt, paying 8 cents on the dollar - a total of $112 million. The next breakthrough, announced in April 1996 and closed in September, was forgiveness of 95 per cent of the $3.5 billion debt owing to the Russian Federation. This was followed by a decision by Mexico to write off 91 per cent of the $1.1 billion owed to it.[45] Nevertheless, debt per capita was still as high as $1,314 last year, compared with GDP per capita of only $445 dollars.[46]

56. Until October 1998 when Hurricane Mitch hit the country, the macroeconomic and structural reform programme had been on track so that the decision point under the HIPC was tentatively envisioned for late 1999. Sadly, the country's fortune changed dramatically when Hurricane Mitch hit. The hard-won economic gains evaporated overnight as infrastructure and its basic export base, particularly bananas and sugar, were extensively damaged.

Table 3. Nicaragua: external debt written off since 1990 (millions of dollars)

Year	Creditors	Debt outstanding	Debt written off	Debt relief as per cent of total debt
1990	Venezuela	208.1	196.4	94.4
	Colombia	47.1	44.1	93.6
1993	Argentina	76.1	66.3	87.1
	Cuba	101.6	94.6	93.1
1994	China-Taiwan	22.8	17.1	75.0
1995	Banca Commercial	1 098.7	1 010.7	92.0
1996	Mexico	1 156.6	1 065.7	92.1
	Russia	3 444.3	3 099.9	90.0
	Czech Republic	140.5	126.4	90.0
	El Salvador	40.4	35.3	87.4
	Honduras	117.2	100.6	85.8
1997	Central American Bank (BCIEP)	566.7	103.7	18.3
	Total	7 020.1	5 960.8	84.9

Source: Central Bank of Nicaragua.

The effects of Hurricane Mitch

57. The effects of Hurricane Mitch were localized mostly in the western and north-western sections of the country (affecting nearly 50 per cent of the country and therefore not as widespread as in neighbouring Honduras. In all, as a result of the calamity an estimated 4,000 Nicaraguans are believed to have died and about 1 million persons - about 20 per cent of the population - lost their homes. More than 1,500 kilometres of paved roads, arid highways, about 12,000 kilometres of unpaved roads and 80 bridges suffered damage. About 350 schools were damaged and 280 schools are being used as shelters. Important sections of the Pan-American Highway - the main commercial route to other Central American countries - were damaged or destroyed. Preliminary estimates of damage and replacement costs prepared by UNDP and the Economic Commission for Latin America and the Caribbean (ECLAC) suggests total direct and indirect damage of $900 million, equivalent to 45 per cent of Nicaragua's 1997 GDP. The costs of replacing the damage to infrastructure and the productive sectors would amount to $1.2 billion. Addressing these new reconstruction and rehabilitation needs will place an additional burden on the Government as it tries to address the country's existing infrastructure constraints.

58. In the aftermath of Hurricane Mitch, Paris Club bilateral creditors agreed to waive debt service payments for two years from January 1999. Debts owed to the multilateral development banks is being serviced from the Central American Trust Fund established by bilateral donors during the Consultative Group meeting for Central America held in Stockholm in May 1999. Debt reduction under the HIPC initiative will depend on how far the Government of President Alemán succeeds in implementing the three-year ESAF programme signed in March 1998. The "decision point", at which eligibility for HIPC relief is decided on the basis of ESAF reform progress, was expected at the end 1999, but was reached in October after an IMF mission completed its annual Article IV consultation with Nicaragua.

59. The likelihood that Nicaragua would reach the "completion point" is difficult to determine at this point given the scope and complexity of ESAF reforms, the capacity of the Government to implement all the reform requirements on a timely basis, and the legacy of the hurricane on overall productivity of the economy due to transport bottlenecks and the loss of vital earnings from exports. Furthermore, there are many sectoral areas within the current ESAF, such as privatization, property rights and judicial reform, which the Government has not been able to implement quickly and may require longer time to complete.[47] If that happens, the much needed debt relief is going to be delayed, further hampering the reconstruction effort.

60. Nevertheless, Nicaragua may continue to benefit from relief on debt service payments in the interim between the decision and completion points. This would particularly help Nicaragua once post-Mitch Paris Club relief on debt service runs out in early 2001. Otherwise, foreign debt service payments are forecast to rise from $155 million in 2000 to $230 million (some 28 per cent of tax revenue) in 2001. **Therefore, given the special circumstances of Nicaragua, the Fund and the Bank should not use HIPC macroeconomic conditionalities as the sole criterion to determine its eligibility for debt relief.** In addition, debt relief alone is not going to change Nicaragua's current economic situation overnight. The country is going to need a significant infusion of external resources to tackle structural poverty and to make the leap into a new dynamic and knowledge-based economy.

B. Honduras: Hurricane Mitch and the challenge of reconstruction

61. Honduras is the third poorest country in Central America with per capita income of $700 in 1997. Over half of its population lives in poverty, one third in extreme poverty. Its economy is one of the least developed in Latin America and the country is heavily dependent on the export of coffee and bananas. Successive Governments have tried to diversify the economy, with very little success, and economic reform has generally been inconsistent.

62. The authorities have traditionally relied on external borrowing to finance development, particularly from the United States and the multilateral development banks. The frequency of borrowing has increased since the 1990s in response to declining grant support from the United States in the wake of the end of the guerrilla wars in El Salvador and Nicaragua. Honduras had received economic and military aid from the United States in return for turning a blind eye to the presence of the Contras in eastern Honduras. Thus, in 1996 the Government issued a decree whereby any new debt commitments had to include a 35 per cent share on concessional terms.[48]

63. Honduras owed $4.4 billion in 1998, representing an estimated 93 per cent of GDP and $725 per head. At the end of 1998, 62 per cent of Honduras' debt was held by multilateral creditors - mainly the World Bank, the Inter-American Development Bank (IDB) and the Banco Centroamericano de Integración Económica (BCIE), 37 per cent by bilateral creditors (Japan, Spain, Italy and Germany) and the remaining 7.2 per cent by private creditors.[49] Since 1994, on the average, Honduras has been paying $300 million in debt service, covering both principal and interest. In 1998, for example, total debt payment was $300.5 million. Of this amount, $190.4 million (63.4 per cent) were for the multilateral, and $106 million (35.5 per cent) for the bilateral debt. Given the level of mass poverty and underdevelopment of Honduras, debt servicing has been a major drain on the economy, further limiting the capacity of the Government to address the widespread poverty and human deprivation in the country. The situation of poverty was made worse by the devastating impact of Hurricane Mitch.

Table 4. Honduras: external debt service, 1994-1998
(millions of US dollars)

	1995	1996	1997	1998
Principal	217.7	210.3	183.1	152.4
Interest	201.0	183.2	164.9	148.1
Total	418.7	393.5	348.0	300.5

Source: Director General of Public Credit, Secretary of Finance.

64. Within Central America, Honduras bore the brunt of Hurricane Mitch. No part of Honduras escaped the impact of the hurricane and the two largest cities, the capital, Tegucigalpa, and San Pedro Sula, sustained heavy damage. Much of the Government's own institutional

infrastructure was damaged, including destruction of the Ministry of Education and extensive damage to the Ministry of Finance. Preliminary estimates of damage and replacement costs prepared by UNDP and ECLAC suggest total direct and indirect damage of $3.6 billion, equivalent to 74 per cent of Honduras' 1997 GDP. Replacement costs are estimated at $5 billion (see table below).

Table 5. Summary of damages and reconstruction costs
($ million)

	Direct damage	Indirect damage	Total damage	Replacement costs
Total	2 177.4	1 461.1	3 638.5	4 987.7
Social sectors	305.4	719.4	1,024.8	580.5
Housing	259.1	675.3	934.4	484.0
Health	25.6	36.7	62.3	64.5
Education	20.7	7.4	28.1	31.2
Infrastructure	347.6	164.2	511.7	713.2
Roads, bridges	314.1	140.0	454.1	571.4
Water/sanitation	24.2	7.2	31.3	118.6
Energy	9.3	17.0	26.3	23.2
Productive sectors	1 477.6	577.1	2 054.8	3 694.0
Agriculture, livestock, forestry	1 387.3	274.2	1 661.5	2 990.7
Manufacture	15.8	196.3	212.1	381.8
Trade, hotels	74.5	106.7	181.2	326.2
Environment	46.8	0.4	47.2	n.a.

Source: UNDP/ECLAC, A Preliminary Assessment of Damages Caused by Hurricane Mitch, 10 December 1998.

65. Given the extent of damage Honduras experienced, the international community responded swiftly to the disaster. Initial focus was on rescuing communities, establishing communications, distributing emergency food and medicines, organizing shelter for displaced populations, and disposing of the dead, both human and animal, to prevent the spread of disease.

66. During the Consultative Group meeting for Central America in Stockholm last May, $2.7 billion were pledged for emergency reconstruction of Honduras. So far, however, only $1,724.3 million have been received from donor Governments. Of this amount, $610 million were in non-financial aid and the remaining $1,120.5 million was composed of concessional and non-concessional loans, an amount almost equivalent to the debt relief that the Government hopes to secure under the HIPC initiative. The non-concessional loans come from the following sources: IMF ($212 million), IDA ($365 million) and IDB ($304 million), further increasing the country's debt exposure.[50]

67. On the external debt front, a Central American Emergency Trust Fund was established by IDA in December 1998 at the request of several bilateral donors to which contributions are being made to help Honduras and the other hurricane-affected countries cover multilateral debt service payments. By September 1999, Honduras had received $71.9 million from nine bilateral donors. Of this amount, $70.5 million were paid out to the following creditor institutions: IDB ($31.2 million), World Bank ($33.3 million) and the Central American Bank for Economic Integration ($6 million).[51] This is a cruel irony in the face of the extreme human suffering caused by Hurricane Mitch.

68. In addition to the Emergency Trust Fund, the Paris Club of creditors granted Honduras in April 1999 a moratorium on debt service payments for the period 1999-2002. Yet, a year after the hurricane, Honduras is still awaiting significant reduction (approximately $1.1 billion) in its external obligations under the HIPC initiative while it has taken an additional $1.7 billion in new loans since the hurricane under the banner of disaster aid. Perplexed by the contradictory response of the donor community, the *Economist* magazine asked its readers: "Does it make sense to give them disaster aid with one hand, while hindering recovery by insisting on debt service payments with the other?" (14 November 1998). Needless to say, this is the current reality in Central America: debt service payment is "crowding out" funding for reconstruction, rehabilitation and poverty reduction.

69. Although the Government maintains high hopes that it will reach the "decision point" by next April, this will depend on progress in implementation of the current ESAF, which is only a year old. Unlike Nicaragua, which had a good track record on implementation of macroeconomic targets, Honduras is more likely to experience difficulties in fulfilling ESAF conditionalities. Even if an exception is to be made by the multilateral institutions for Honduras to reach "decision point" so that it can access interim support before it reaches "completion point", this would largely be in the form of new loans, further building up the debt pyramid. By the time debt relief arrives six years later, the situation would be much worse than is the case today.

C. Conclusion

70. Over the past two decades, the people of Central America have experienced the effects of protracted civil wars, economic collapse and natural disasters. Since the end of the civil wars in Nicaragua, El Salvador and Guatemala, the region has shown tremendous vitality, focusing more on peace-building, democratization, and reconstruction of economies broken down by years of conflict. Sadly, in a dramatic reversal of fortunes, all the gains made over the last decade were wiped out by the devastating force of Hurricane Mitch in late October 1998.

71. The challenge of reconstruction and transformation has proved to be difficult. A year after the hurricane, national efforts to rehabilitate both countries and to start the broad process of human development have so far proved insufficient and riddled with problems. Much of the national efforts have been too much concentrated on the rehabilitation of infrastructure, and less on replacing assets lost by poor people (i.e. cattle, tools, productive land, crops, etc.) so that they can begin to produce for themselves and their families. Although civil society has representation at the Cabinet for the Reconstruction and National Transformation, they carry less weight to influence the direction of the national reconstruction effort. This is the first indication that the poverty reduction strategy papers (PRSPs), which are mandated under the Enhanced HIPC, are unlikely to be genuinely participatory and transparent.

72. Civil society groups in Honduras and Nicaragua have argued that despite its devastating impact on human lives and property, the legacy of Hurricane Mitch provides a compelling occasion to establish the basic foundations for human-centred development in the future. As such, they have tried to use both the reconstruction effort and the debate on HIPC as strategic entry points to raise the issues of governance, decentralization, human rights and ecological sustainability.[52] The real test will come when both countries begin the drafting of the PRSPs, which they are supposed to compile through a participatory process involving NGOs and civil society organizations. The degree to which both Governments take into account the issues of governance, decentralization, human rights and ecological sustainability and reconcile them with an essentially macroeconomic exercise remains to be seen. This will determine the scope and speed of debt relief to both countries.

73. We believe that, **considering the extent of poverty and the damage left behind by Hurricane Mitch, both Honduras and Nicaragua should be declared "disaster areas" and, accordingly, their outstanding debts to creditor countries and institutions should be cancelled outright and with no conditions.** While the international community has responded generously following the hurricane, that is not enough. These countries cannot hope to reconstruct and transform their economies, reduce poverty and complete the process of democratic consolidation with heavy debt payments hanging over their heads. Reconstruction and transformation require a total cancellation of their outstanding debts and fresh inflows of resources. Our recommendation is not unusual since a precedent exists whereby the United States granted similar preferential treatment to Germany after the devastation of the Second World War. Without debt cancellation and new external assistance, the reconstruction effort will fail. We therefore propose the following measures:

(a) All debt contracted under the heading of emergency aid should be treated on the books not as "new debt", but as an advance down payment toward debt relief, which both countries would have been granted sooner or later;

(b) All bilateral contributions made so far to the Central American Trust Fund to cover debt service payments due to the multilateral development banks should be credited to Honduras and Nicaragua as grants;

(c) New mechanisms, such as debt-buyback schemes at secondary markets, should be explored to wipe out outstanding debt to commercial institutions;

(d) Funds released from debt relief should not be used to finance infrastructural development alone; there should be heavy emphasis on social development, health and education, nutrition and safety net programmes.

74. We propose the above measures to save both Honduras and Nicaragua from the agonies of being dragged through a complicated and time-consuming HIPC qualification process, and to focus attention, instead, on the need to mobilize fresh resources for these countries so that they can begin to address the broad process of social development and transformation. However, the poverty strategy framework required for both HIPC and future IDA lending should be maintained since it will serve as a "contract" between donors and debtor Governments in future lending operations so long as the plan has the endorsement of civil society organizations.

75. Finally, putting the Central American countries on a sound footing of economic development and democratic governance must go beyond the issue of debt relief and increased external resource flow. A sound strategy of "transformation" must address the structural causes of poverty and marginalization. It would be a grave error to attribute the current economic and social crisis in Central America to Hurricane Mitch alone. There are historical, economic, political and ecological explanations why so many Central Americans have long lived in conditions of abject poverty and deprivation. Tragic as the hurricane may have been, its legacy provides a compelling occasion for a fundamental review of the dominant export-led and indebted development strategy, largely designed to reward a small elite of landowners and multinational banana companies at the expense of the majority of poor subsistence cultivators. Simply to construct the infrastructure of these traditional "dessert and fruit cocktail" economies will not help the poor unless the structure of ownership of land and political decision-making are fundamentally altered to ensure that the economic, political, social and cultural rights of all citizens are guaranteed and protected. The extent to which the HIPC process will serve as the first step on a new development path remains to be seen.

IV. DEBT RELIEF AND THE WORST FORMS OF CHILD LABOUR CONVENTION, 1999

76. The prime motivation of the globalization process of the world economy is the search for maximum economic efficiency. While this unrelenting process has undoubtedly brought greater prosperity to many countries, large numbers of people in poor countries have not been able to share the benefits of increased wealth-creation brought about by globalization. It is therefore, imperative that the world community establish balanced positive interactions of global processes that would enshrine social and human rights considerations.[53] In this section, we propose that a link be made between debt relief and the implementation of the Worst Forms of Child Labour Convention. It is our view that "debt relief for social investment" should constitute part and

parcel of the OECD/DAC and World Social Summit commitments by the year 2015. In suggesting such action we shall provide the specific example of a success story in Brazil known as the "Bolsa Escola", launched five years ago by Governor Cristovam Buarque in Brasilia. This successful initiative has now spread to many cities of Brazil and has been replicated in Mexico and other countries of Latin America.

A. The United Nations Convention on the Rights of the Child

77. The Convention on the Rights of the Child, described as the single most widely ratified treaty in history,[54] and the Worst Forms of Child Labour Convention have to be viewed and considered as an essential component of poverty eradication and human rights enhancement actions. The promises held out by the leaders of the world in legally binding conventions include: children's right to life; to be free from discrimination; to be protected in armed conflicts; to be protected from torture or cruel, inhuman or degrading treatment or punishment; and the rights to education, health care, an adequate standard of living and freedom from economic exploitation and other abuse.

78. For too many children, the promises of conventions remain hollow. Governments have been slow to implement what they have agreed at world conferences. Abuses children endure every day contradict the deeds of Governments. Countless children on a day-to-day basis have their basic human rights ignored despite solemn pledges. Children - over 130 million of them in 1998 - received no education, worked long hours under hazardous conditions[55] and languished in inhumane conditions in institutions. Others endured harassment and physical violence and are subject to trafficking and sexual exploitation[56] or forced to become soldiers or refugees from armed conflict.

79. A very large number of children are used for commercial sexual purposes every year. They usually end up with their health destroyed, victims of HIV/AIDS and other sexually transmitted diseases. In many countries, ethnic minorities and girls are still being denied an adequate education, and in poor or rural areas, prohibitive school fees keep many children out of school. All of this must change.

80. A fundamental cause of child labour is extreme poverty. Poor families in Bangladesh, Bolivia, Brazil, Haiti, India, Mexico, Nicaragua, Pakistan, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, and many others put their children to work simply because they have insufficient means to survive. Whatever marginal contribution the children can make to assist in providing food and medicine is highly appreciated. If many of these parents are cognizant of the fact that schooling would improve their children's labour skills as they grow up, they simply cannot afford the "luxury" of doing without whatever small income the children bring home. The conflict therefore arises between short-term parental economic interests and the long-term interests of the children. This is why an incentive has to be created for the family and it is precisely that which the Bolsa Escola programme initiated by Governor Buarque does.

B. The Bolsa Escola scholarship programme in Brazil

81. The Bolsa Escola initiative was started some five years ago by Governor Cristovam Buarque of the Federal District of Brazil. The concept of the scheme is simple: children are not going to school because their families send them out to work, or because their families are too impoverished or too ignorant to see the point of education. If families are paid a stipend for doing so, they will keep their children in school. The aim of the Bolsa Escola is not to secure a minimum income for poor families, but to seek to achieve universal education for all.

82. The programme is composed of three parts. First, a scholarship programme provides assistance to children to enable them to attend school. A condition of the programme is that all the school-age children in the family must attend school, without dropping out, until the age of 14. The scholarship programme is complemented by a school savings programme, under which an amount equivalent to one minimum wage is paid annually into a savings account for every child in the scholarship programme, provided he or she is promoted at the end of the year.[57] The third part of the programme is family assistance, which provides each family with children in the scholarship programme with a sum roughly equivalent to the monthly minimum wage, to offset the earnings of a child who would be working instead of going to school. The assistance is paid throughout the year, not only during the school months. At present, more than 50,000 children in the Federal District are participating in the Bolsa Escola programme.

83. Bolsa Escola has been highly successful. It is being replicated in very many other cities in Brazil and in Mexico. Because of its success, it has attracted the interest and support of UNICEF, UNESCO and the World Bank and is being studied by ILO and UNCTAD. In their evaluations of the programme, agencies have stressed that it has had positive effects on the incidence of drop-out and repeating at the same time as the percentage of children working has significantly reduced.

84. Preliminary analyses have shown that a scholarship programme costing even $40 per family per month would offer sufficient incentive for poor families to keep their children in school. This is a small investment indeed in view of the major transformations such programmes could have on the lives of the families concerned, and on the country as a whole. Not only would they provide the benefits of education, but they would help fight poverty as well. Significant results in terms of improved living standards and a decrease in marginalization could be observed in society in as little as 20 years.

C. Linking debt relief to child scholarship programmes

85. Article 7 of the Worst Forms of Child Labour Convention requires signatories to the Convention:

- To prevent children engaging in the worst forms of child labour;

- To provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration,

- To ensure access to free basic education, wherever possible and appropriate vocational training, for all children removed from the worst forms of child labour (art. 7).

86. We believe that the Bolsa Escola experience is an excellent initiative to link debt relief with ending child labour. The great attraction of Bolsa Escola is the low cost of implementation. It has produced fabulous, quick results, enhancing the social, economic and ethical conditions of the environment and of the communities covered by the scheme. As Governor Buarque stated: "With only 5 per cent of the money the world spent on weaponry during 1998, which totalled US$ 745 billion, a Bolsa Escola stipend could be provided for all mothers of the world's 250 million working children, eradicating child labour from the face of the earth". In 1997, he further argues, developing countries paid over US$ 305 billion to service debt. To cover the totality of children who are today working, we would need the equivalent of 13 per cent of the annual debt servicing. This could be financed through a burden shared 50/50 - 6.5 per cent of the overall debt servicing being written off and the other 6.5 per cent being invested by the countries themselves.

87. **We therefore recommend that debt eradication for the heavily indebted poor countries be made contingent upon a commitment by the Governments to channel resources to finance the setting up, in each country, of a "scholarship/guaranteed family income" programme of monthly instalments directly linked to their children staying in school.** With this source of compensatory income, families would take their children from the street and bring them to school. As in Bolsa Escola, all children of school age within a family must be registered as regular students and none of them can skip school more than two days a month. It is in this context that we urge that the linkage between debt relief and the Worst Forms of Child Labour Convention be firmly established.

88. Replication of the Bolsa Escola experience in other heavily indebted poor countries using funds from debt relief is a worthwhile investment. There are still millions of children, in Brazil and elsewhere, who could be saved from the horrendous life out in the street if we work out different formulas to ease the debt burden, including the type of social investment suggested.

V. GENERAL CONCLUSIONS AND RECOMMENDATIONS

89. Just when it appeared that the global Jubilee 2000 movement and its supporters had finally won the battle over debt relief, they are back to where they started 20 years ago thanks to the persistent manoeuvring of key donor countries and the multilateral financial institutions. While the enhanced HIPC is quite an improvement from the old HIPC, its primary focus on reducing the debt stock, thus excluding relief in debt service payment; its use of ESAF as the sole criterion for determining debt relief; and, finally, the inadequacy of the HIPC trust fund make the entire HIPC initiative a sham.

90. Despite its shortcomings, however, there is still considerable room to build on HIPC by integrating the key concerns raised by the Jubilee 2000 movement. In addition, we have tried to provide three strategic entry points for linking debt relief to social investment: HIV/AIDS prevention in Africa, post-Hurricane Mitch reconstruction in Central America, and debt relief and the Worst forms of Child Labour Convention, based on the Bolsa Escola scholarship programme in Brazil.

91. Equally important is the need to involve key United Nations organizations, such as ILO, UNICEF and UNDP, which can bring a lot of knowledge and expertise to the HIPC process. These agencies can play a particularly valuable role in the preparation of the national poverty reduction strategy papers (PRSP) which the countries must prepare in order to qualify for HIPC debt relief and to have access to IDA resources.

The United Nations system and the challenge of mainstreaming human rights

92. The preparations for writing this joint report were extensive and the project took both authors into familiar territory as well as into uncharted waters. At the inception stage, both rapporteurs organized two successful seminars in Washington D.C. on the theme of debt relief and poverty alleviation.[58] The purpose of these round tables was to start a constructive dialogue among key institutions that have a lot to contribute towards the resolution of the debt problem but which rarely speak to one another. It remains our hope that agencies and multilateral financial institutions will work together in the future better than they do today in addressing fundamental global problems since no one agency has a monopoly on how to construct a just and sustainable world order.

93. In addition to the two Washington round tables, the independent expert on structural adjustment undertook extensive field visits to Zambia, Honduras and Nicaragua. This was followed by important meetings in Washington, jointly with the Special Rapporteur on foreign debt, with officials from the World Bank and IMF and the United States Congress. Talks in these meetings focused primarily on debt relief, HIPC and HIV/AIDS. In New York, the team held meetings with officials from UNICEF, UNDP, and policy units of the Economic and Social Council.

94. In the course of conducting country visits and the Washington seminars, it became clear to both of us that, with respect to our two economic mandates which the Commission on Human Rights established two years ago, the current programme of the Office of the High Commissioner for Human Rights has limited impact on the ongoing debate and discussions taking place in many quarters, particularly concerning the need to insert a human rights perspective into global economic governance.

95. While the programmes of many NGOs active in the area of economic, social and cultural rights are heavily influenced by existing ILO and human rights conventions, their relationship with OHCHR is not particularly strong when compared to NGOs and human rights organizations engaged in the promotion of civil and political rights. Part of the explanation has to do with the fact that NGOs working on economic rights possess much stronger research, lobbying and networking capacity than does OHCHR.

96. As it is currently constituted, OHCHR may have the minimal intellectual capacity and the required qualified personnel with substantive skills in international political economy to handle these mandates competently. However, it does not have the necessary resources required for mainstreaming these economic mandates into the activities of all United Nations agencies, let alone provide support to national Governments eager to develop a counter-project to the policies of the Bretton Woods institutions. We feel strongly that the current staffing and management structures are out of touch with the most dynamic debates and activities taking place outside of

the United Nations system and existing internal expertise is not being utilized properly. The most recent events in Seattle during the WTO meeting, the global Jubilee 2000 movement which forced the World Bank and IMF to provide faster and deeper debt relief to poor countries, and the collapse of the OECD's Multilateral Agreement on Investment (MAI) two years ago are excellent illustrations of the dynamism of global civil society and its impact on the issue of global economic governance. Sadly, but not to our surprise, OHCHR is out of the picture in all these important deliberations, thus losing an excellent opportunity to bring a human rights perspective into the debate on global economic governance.

97. Secondly, we believe that the Office of the High Commissioner is missing an excellent opportunity to make an impact on economic, social and cultural rights because of the inability of top management and the current professional staff to identify strategic entry points in the global policy discourse where the human rights agenda can be placed centre stage. We feel particularly strongly that with the exception of the High Commissioner herself, who has been an effective advocate of economic rights, top management at OHCHR are either unfamiliar with the substantive discourse on the links between human rights, economic globalization and the struggle to reform global economic governance, or they simply do not care at all. Talking about economic and cultural rights in the abstract is not enough. The Office of the High Commissioner must be proactive at the technical level and ensure that economic, social and cultural rights are strongly integrated in the activities and programmes of the multilateral financial institutions and the regional development banks.

98. As a result of the above-mentioned institutional problems, the Office of the High Commissioner for Human Rights is completely absent from key economic forums that require human rights integration. Key among these are the Consultative Group meetings, multilateral trade negotiating forums, regional and subregional economic blocs, HIPC reviews for debt cancellation, and national consultative forums on developing national poverty strategy frameworks. OHCHR's relations with the World Bank, IMF, WTO and the regional development banks are non-existent, or at best superficial. Failure to include human rights in the programs and activities of these key global institutions at the inception stage will ultimately result in the denial of economic, social and cultural rights of millions of people worldwide. For it is at this level that OHCHR should have its greatest influence, and not at the annual Commission "jamboree".

99. **We therefore make a special appeal to Member States, the Secretary-General of the United Nations, and the High Commissioner for Human Rights to take urgent action to strengthen the responsiveness of OHCHR in the area of economic, social and cultural rights (economic mandates) by strengthening OHCHR's internal research and analytical capacity, and its technical assistance support to countries in macroeconomic policy and trade and investment-related topics that have a direct bearing on the promotion and protection of human rights.** While we recognize the financial problems confronting the entire United Nations system, refocusing the work of the Office of the High Commissioner for Human Rights can easily be done from existing resources although more money would help to move the process faster and deepen the quality of intervention both at the global and local levels.

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[53] In an initial one year context, at least four major conferences are planned. The Seattle Ministerial WTO Conference, the Tenth United Nations Conference on Trade and Development (UNCTAD-X) in Bangkok, the Special Session of the United Nations General Assembly (Copenhagen + 5) in Geneva and the United Nations Millennium General Assembly, all of which have a bearing on the subjects we are dealing with and would gain from stimulating convergence as well as coherent processes of analysis and action-oriented measures.

[54] 191 one out of 193 countries have ratified the Convention.

[55] Article 32 of the Convention on the Rights of the Child protects children from economic exploitation and work likely to be hazardous to the child's development, or to interfere with the child's education.

[56] Articles 34 and 35 of the Convention specifically forbid the sexual exploitation or trafficking of children.

[57] In 1996, 31,361 students out of a total number of 33,136 - over 86 per cent - were promoted and thus entitled to the extra annual deposit in their savings accounts.

[58] On 8 and 10 November, two round tables were convened in Washington at the Brookings Institute and the Inter-American Development Bank on "Debt relief, the new ESAF, Cologne and poverty alleviation: What next?" and "Debt relief, social investments and globalization: multilateral discussions and future negotiations". These were attended by the Secretary-General of UNCTAD, the Secretary-General of OAS, the Director-General of IDB, Senior officials of UNICEF, the Word Bank and IMF, and representatives of the diplomatic community in Washington, academic institutions and NGOs.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Human rights and extreme poverty

Report submitted by Ms. A.-M. Lizin, independent expert,
pursuant to Commission resolution 1999/26

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SUMMARY

The question of extreme poverty lies at the heart of a debate which has been taking place in the Commission on Human Rights over the past five years, a debate intended finally to accord the economic, social and cultural rights the priority that they deserve. The independent expert on the question of human rights and extreme poverty, Anne-Marie Lizin, was appointed for a period of two years and was requested inter alia to assess the best practices in the fight against extreme poverty as part of the follow-up of the Copenhagen World Summit for Social Development (resolutions 1998/25 and 1999/26). The independent expert submitted an interim report (E/CN.4/1999/48) to the Commission at its fifty-fifth session.

The present report and the reports of the Secretary-General to the Economic and Social Council ("Poverty eradication, capacity-building, resources and funding, and the executive boards of the United Nations funds and programmes", E/1999/55) and to the General Assembly ("Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006)", A/54/316) give an overview of the most relevant current activities of the United Nations in the fight against extreme poverty.

During the second year of her mandate the independent expert visited several countries (Albania, Algeria, Benin, Burundi, Ecuador, Gabon, former Yugoslav Republic of Macedonia, Lebanon, United States of America). She also received many replies to the questionnaire which she had sent to all States. As part of her participation in a discussion group during the substantive session of the Economic and Social Council in Geneva (5-30 July 1999) the independent expert presented a paper on "National policies and international cooperation for employment-oriented growth: impact on poverty reduction and gender equality". She also took part in a workshop on a possible draft declaration on human rights and extreme poverty (resolution 1999/26, para. 7); this meeting was held in Geneva on 30 and 31 August 1999 (see E/CN.4/2000/52/Add.1).

The final report stresses the need to incorporate a human and social dimension in the globalization process in order to inject more vigour into the strategies for combating extreme poverty. The emphasis is on the universal and multidimensional nature of extreme poverty. Extreme poverty, regarded as a denial of all human rights, establishes an indissoluble link between each of the rights attached to the individual. The final report also highlights the activities of the various development actors in combating extreme poverty. Special attention is paid to the practices of States, the actions of the United Nations system, the Bretton Woods institutions, and non-governmental agencies, in particular local authorities. The State bears the primary responsibility for fighting against extreme poverty.

The following are the independent expert's main recommendations:

(a) The establishment of a world alliance for the eradication of extreme poverty, which would bring together all the main development actors under a strategy drawn up as part of a universal text;

(b) The evaluation by the Bretton Woods institutions of the social impact of their policies on the poorest communities;

(c) The responsibility of the State (political will) and promotion of good governance through national capacity-building;

(d) International solidarity with the States of the third world should be expressed through the objective of allocating 0.7 per cent of national budgets to official development assistance;

(e) The 20/20 Initiative must also be encouraged, together with the transfer of national and international resources from the military to the soc sector;

(f) The promotion of decentralization and an increased role for local authorities in the eradication of extreme poverty;

(g) The recognition of the right to civil a status for the poorest people, especially for girls;

(h) The development of microcredit institutions for the poorest groups

(i) All legislation should establish the right of all persons falling within its scope to a guaranteed minimum income and should allocate the necessary resources for this purpose;

(j) The development of special measures to help the poorest communitie in particular women, children, the elderly, and ethnic minorities;

(k) The promotion of information and education for the poorest people concerning their rights, using appropriate and accessible methods (outreach services, media, handbooks and cartoon strips);

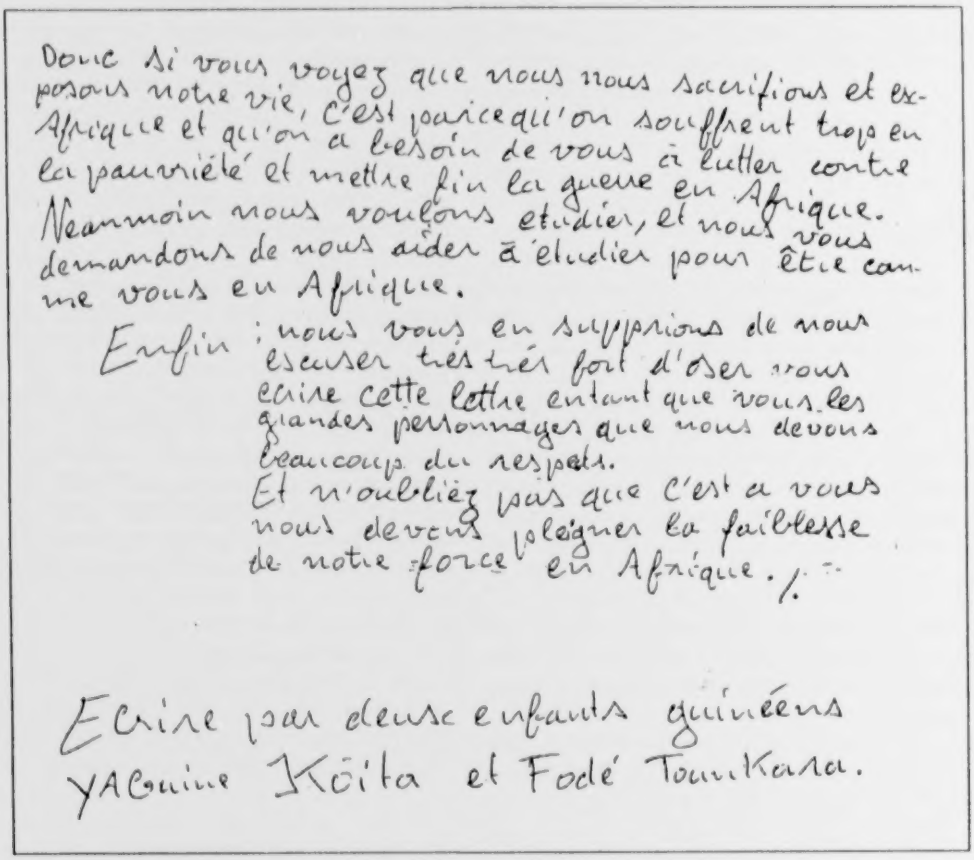
(l) Training and awareness-raising for police forces and social worker in human rights in general and in the phenomenon of extreme poverty in particular;

(m) The maintenance and consolidation of peace in countries riven by armed conflict. International economic sanctions must not be allowed to aggravate situations of extreme poverty in the countries in question.

EPIGRAPH

On 3 August 1999 two young Guineans (aged 14 and 15) who were trying to get to Belgium were found dead from exposure in the undercarriage of a Sabena aircraft arriving from Africa.

Here is the last part of the moving letter which they had brought with them:


Donc si vous voyez que nous nous sacrifions et exposons notre vie, c'est parce qu'on souffrent trop en Afrique et qu'on a besoin de vous à lutter contre la pauvreté et mettre fin la guerre en Afrique. Neanmoin nous voulons etudier, et nous vous demandons de nous aider à étudier pour être comme vous en Afrique.

Enfin ; nous vous en supplions de nous excuser très très fort d'oser vous ecrire cette lettre entant que vous les grandes personnages que nous devons beaucoup du respets.
Et n'oubliez pas que c'est a vous nous devons pleigner la faiblesse de notre force en Afrique. /.

Ecrire par deux enfants guinéens
YAGuine Kõita et Fodé Tounkara.

"So if you see that we are sacrificing ourselves and risking our lives, it is because people are suffering too much in Africa and need you to fight against poverty and put an end to the war in Africa. But we want to study and we ask you to help us to study so that we can be like you in Africa. Lastly: we beg you very much to excuse us for daring to write you this letter because you are very important people that we have to respect a lot. And don't forget it's you we have to blame for our weakness in Africa. Written by two Guinean children. Yaguine Koita and Fodé Tounkara".

Introduction

1. In 1999 the proportion of persons living in poverty was stable in comparison with 1993, but numerically there were 1.5 billion living in absolu poverty at the dawn of the new millennium [Report of the Secretary-General, "Implementation of the First United Nations Decade for the Eradication of Poverty (1997-2006)", A/54/316, para. 15].

2. Starting in the early 1990s, the Commission on Human Rights established link between extreme poverty and the exercise of human rights. The Subcommission on Prevention of Discrimination and Protection of Minorities wa requested to consider this phenomenon by Commission resolution 1990/15. The Special Rapporteur, Mr. Leandro Despouy, produced the first study on human rights and extreme poverty (E/CN.4/Sub.2/1996/13). In view of the proclamat of the United Nations Decade for the Eradication of Poverty (1997-2006) and part of the follow-up of the World Summit for Social Development, the Commis decided to appoint, for a period of two years, an independent expert on the question of human rights and extreme poverty (resolution 1998/25).

3. On the basis of this first mandate the independent expert submitted an interim report (E/CN.4/1999/48) to the Commission at its fifty-fifth session The Commission reaffirmed that the elimination of extreme poverty and exclus from society require urgent national and international action and, welcoming observations contained in the report [...] to the effect that the lack of political commitment, not financial resources, is the real obstacle to pover eradication, it invited the independent expert to continue her reflexion, in accordance with her mandate, with a view, in particular: (a) to reporting on activities to the Commission on Human Rights at its fifty-sixth session, underlining in particular the best practices observed during her visits and making this report available to the Commission for Social Development and th Commission on the Status of Women, as appropriate, for their sessions during same year; and (b) to contributing to the General Assembly's evaluation in 2 of the World Summit for Social Development by making her final report and conclusions available to the preparatory committee for the special session o the General Assembly devoted to that evaluation, taking into account, as requested by the General Assembly, the efforts of the poorest people themsel and the conditions in which they can convey their experiences (resolution 1999/26).

4. Like all the independent experts and special rapporteurs appointed by t Commission, the independent expert was requested to take into account, as pa of her mandate, the issue of globalization and its impact on the full enjoym of all human rights (resolution 1999/59).

5. During the second year of her mandate the independent expert visited several countries (Albania, Algeria, Benin, Burundi, Ecuador, Gabon, former Yugoslav Republic of Macedonia, United States of America). She also receive many replies to the questionnaire which she had sent to all States. As part her participation in a discussion group during the substantive session of th Economic and Social Council in Geneva (5-30 July 1999) the independent exper presented a paper on "National policies and international cooperation for employment-oriented growth: impact on poverty reduction and gender equality" She also took part in a workshop on a possible draft declaration on human ri

and extreme poverty (resolution 1999/26, para. 7). This meeting took place in Geneva on 30 and 31 August 1999 (see the final report of the workshop on human rights and extreme poverty, E/CN.4/2000/52/Add.1).

6. Continuing on from the interim report, this final report stresses the fact that extreme poverty is a denial of all human rights. Extreme poverty thus establishes an indissoluble link between each of the rights accorded to the individual. States bear the primary responsibility for giving effect to all the rights of the extremely poor. The present report also deals with the efforts of the various development actors to assert the rights of the extremely poor, emphasizing in particular the actions of the Bretton Woods institutions, the integrated approach taken by the United Nations, the increasing role of non-governmental agencies, and the anti-poverty practices of States.

I. EXTREME POVERTY: A DENIAL OF ALL HUMAN RIGHTS

7. At the workshop (see para. 22 of the report of the workshop on extreme poverty and human rights) many experts questioned the usefulness of adding the adjective "extreme" to "poverty". The independent expert also thought it appropriate to offer a scientific justification for the use of this terminology by the Commission.

8. The topic of extreme poverty was addressed for the first time in the United Nations in resolution 1988/47 of the Economic and Social Council. "Extreme poverty" suggests not merely material deprivation but also social exclusion. The extremely poor cannot express themselves or play a part in the communities in which they live. The addition of "extreme" does indeed establish a ranking between degrees of poverty but it is justified by the existence of "absolute poverty", which has been steadily increasing for some 10 years now.

9. Within the framework of the United Nations Decade for the Eradication of Poverty (1997-2006) the General Assembly set itself two distinct goals: to eradicate absolute poverty and to reduce substantially overall poverty in the world (resolution 53/198). Extreme poverty in particular and poverty in general have two main features: they are multidimensional and they are universal. But they are distinguished by a third element: extreme poverty is a violation of all human rights.

10. Extreme poverty is a multidimensional social phenomenon which cannot be reduced to mere quantitative values such as economic and social indicators. Definitions of extreme poverty and of poverty in general vary according to sex, age, culture and economic and social circumstances. Moreover, extreme poverty is evolutive and may change in nature.

11. Extreme poverty is a universal phenomenon, at the national and international levels. At the national level all countries - rich or poor -have situations of extreme poverty, although of course to differing degrees. At the international level many States on all continents are affected by extreme poverty. They belong to the category of the least developed countries and are classified as countries with average or poor human development in the UNDP Human Development Report.

12. Extreme poverty constitutes lastly and above all a violation of all human rights. Here again the distinction between poverty and extreme poverty is justified. An individual in a situation of poverty still has the possibility of exercising certain rights, whereas extreme poverty implies a total lack of resources and means of social integration.

A. The indivisibility of the rights of the extremely poor

13. The Vienna Declaration and Programme of Action emphasize that widespread extreme poverty inhibits the full and effective enjoyment of human rights. More recently General Assembly resolution 53/146 of 8 March 1999 recognized that surmounting extreme poverty constituted an essential means to the full enjoyment of political, civil, economic, social and cultural rights and reaffirmed the interrelationship between these goals.

14. Extreme poverty thwarts the exercise of the right to an adequate standard of living (art. 25 of the Universal Declaration of Human Rights), and because all aspects of life are interdependent the extremely poor are deprived of all their rights. Most of the time they have no civil existence, are excluded from economic and social life, and cannot exercise their rights, especially the ones relating to their most vital needs. Extreme poverty therefore constitutes the most vivid example of the indissoluble link which binds the various human rights to each other.

15. A consensus has recently emerged among many international observers and experts that priority should be given to the exercise of three fundamental rights: the right to food, the right education, and the right to primary health care. Without trying to establish a ranking between rights, the point of this approach is to show that there are some rights whose minimal exercise is essential to the survival and development of individuals and peoples. Mr. Robert S. McNamara, a former president of the World Bank, stressed that the poor countries had the fundamental right to a minimum of food, health care and education. The meaning of this approach is fully apparent in the case of extreme poverty, where the measures taken, if focused on the essential needs of the poorest people, make it possible to break the circle of deprivation and dependence.

1. The right to food

16. The Committee on Economic, Social and Cultural Rights affirms in its General Comment 12 (E/C.12/1999/5) on article 11 of the International Covenant on Economic, Social and Cultural Rights that the right to adequate food is inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies oriented to the eradication of poverty and the fulfilment of all human rights for all.

2. The right to health

17. A comprehensive analysis of national efforts to facilitate the access of vulnerable groups to adequate health services reveals the shortcomings due to the lack of a coherent programme for the promotion and protection of "health rights" at both the national and global levels. It underlines the persisting need for more efficient policies to reverse the effects of discrimination in

this field against the poorest, the elderly, persons with physical or mental disability and those suffering from epidemic diseases.

3. The right to education

18. The fundamental role of primary education must be stressed. UNESCO emphasises the crucial role of primary education in poverty eradication, especially in the case of women and girls. The programme "Non-formal primary education" gives a second chance for poor children eventually to rejoin a formal education system.

B. The prior responsibility of States

19. In paragraphs 18-27 of her interim report the independent expert discussed the obligations of States. Their first responsibility is to combat extreme poverty. The lack of political commitment is one of the main reasons for the stagnation of extreme poverty in the status quo.

20. The low rate of accession of the extremely poor States to the universal human rights instruments, in particular the two international human rights covenants of 1966, is symptomatic of the lack of political commitment of a good number of these States. However, experience shows that even when a State afflicted by extreme poverty ratifies these international instruments they are only rarely put into effect.

21. Most of the States which have not acceded to the two 1966 covenants are least developed countries and classified among the countries with average or poor human development. It must also be stressed that many of them, especially in the Pacific and South-East Asia regions, belong to the category of "small island developing States".

22. It is also important to note that, apart from the lack of political will, there are difficulties connected with the poor institutional capacity of the extremely poor countries. The degeneration of the administrative and coercive functions of the State and of its capacity to ensure the operation of public services sometimes turns the implementation of the international human rights instruments into an illusion. Weak performance of the taxation function impoverishes a State and makes it incapable of fighting poverty.

23. During her visit to Burundi the independent expert was able to observe the difficulties of the implementation of the human rights instruments in a country which has ratified many of them. The civil war and the subsequent economic embargo have had disastrous consequences for this country. Armed conflicts and civil wars are human tragedies which generate extreme poverty. The independent expert's visits to Albania, the former Yugoslav Republic of Macedonia, and Ecuador (in conflict with Peru) confirmed this state of affairs. It is essential to promote the maintenance and building of peace, especially in the context of the International Year for the Culture of Peace.

24. Financial crises are another basic cause of the impoverishment of many countries, or even of entire regions of the world - South-East Asia for instance. In its reply to the independent expert's questionnaire Indonesia states that in 1999 some two-thirds of its population was living below the

poverty line. It also refers to the difficulties of implementing the human rights instruments, especially when it comes to incorporating the international norms in the domestic legal system.

25. Natural disasters may also have a devastating impact on a people's standard of living, as has been the case in Latin America for example. During her visit to Ecuador the independent expert was able to observe the effects of El Niño on the country's economy, many months after that climatic phenomenon occurred.

II. THE ACTION TAKEN BY THE VARIOUS DEVELOPMENT ACTORS TO REALISE THE RIGHTS OF THE EXTREMELY POOR

26. The idea of the solidarity of the international community is gradually being replaced by the idea of globalization through trade liberalization and the promotion of the market economy. It is here that one of the main problems comes into play, a problem originating in a very controversial debate: how to incorporate the fight against extreme poverty, and thus the poorest people's right to development, in the globalization process?

27. The solution lies inevitably in the incorporation of a human and social dimension in that process. A study of the action taken by the various development actors to give effect to the rights of the extremely poor illustrates the efforts made by the international community.

A. The incorporation of a human and social dimension in the work of the Bretton Woods institutions

28. During her visit to Washington the independent expert observed the new orientation of the work of the international financial institutions. At the heart of this approach lies the Comprehensive Development Framework.

1. The Comprehensive Development Framework

29. This initiative, launched in 1998 by the World Bank, is based on the principle that an appropriate financial and macroeconomic framework is essential to any action, but that the social, structural and human aspects are essential too. At the meeting of the working group on a possible draft declaration on human rights and extreme poverty some of the experts stressed the importance of examining the potential of the new approach proposed by the World Bank as a tool for combating extreme poverty.

30. The incorporation of a human and social dimension can also be seen in the activities of IMF. For example, for several countries, especially the most heavily indebted, including Ecuador, a specific clause has been introduced in the agreements concluded with IMF in order to protect the social agenda established by the Governments in question.

2. The heavily indebted poor countries

31. A joint initiative has been launched by IMF and the World Bank to relieve the debt of the heavily indebted poor countries. Initially 23 of the

43 countries regarded by the World Bank as the planet's poorest were able to participate in this programme. The Group of Eight relaunched the initiative in June 1999 at its Cologne summit. Forty-three countries are now eligible, even if the means of financing are not yet available. There remains the crucial issue of monitoring the allocation of budget spending in the recipient countries. This will mean ensuring that the funds are being used to reduce poverty and not for other purposes, for example to boost military expenditure.

3. Participatory poverty assessment

32. Participatory poverty assessment is an interactive research procedure designed to deliver an understanding of the phenomenon of poverty through the direct participation of, among others, the extremely poor. A recent World Bank study summarizes this participation in 33 countries throughout the world (*A Review of World Bank Participatory Poverty Assessments. Consultations with the Poor*, 1999). This review is an essential contribution to the Human Development Report 2000/1 on poverty and development.

4. Microcredit

33. In her interim report the independent expert stated that the first priority for microcredit must be to reduce dependence on usury and to widen access to credit at viable commercial rates (E/CN.4/1999/48, para. 72). According to the report of the Preparatory Committee for the special session of the General Assembly on the implementation of the outcome of the World Summit for Social Development and consideration of new initiatives, microcredits are often not the answer for the poorest of the poor, as the means of this group are so meagre that they cannot take up credit at the prevailing interest rates. Governments must therefore institute special policies and programmes to ensure that the basic survival needs of this group are met (A/53/45, para. 65).

34. Reference must be made to the Consultative Group to Assist the Poorest in connection with the various microcredit measures already mentioned in the independent expert's interim report (paras. 73-80). This World Bank initiative brings the Western donor countries and the international institutions together to work out a response to microcredit problems.

B. The integrated approach of the United Nations

35. In 1992 a publication of the Department of Economic and Social Development entitled "Poverty alleviation and sustainable development: goals in conflict?" presented the recommendations of the Committee for Development Planning. One of the main conclusions contained in the Committee's report (ST/ESA/234) was the need to improve the coordination of the activities of the whole United Nations system in the economic and social areas, especially with regard to poverty alleviation. Since the holding of the world conferences of the 1990s and the reform initiated by the Secretary-General of the United Nations in 1997, efforts have been made to integrate United Nations activities in a much more coherent system.

1. The United Nations world conferences

36. During the 1990s the United Nations held a series of world conferences which addressed the question of poverty as one of the main problems of the century's end. It is clear from a reading of the various international texts produced by these conferences (conventions, declarations, programmes of action) that impoverishment is one of the main obstacles confronting individuals and States in the exercise of their right to development. Among all these conferences, special mention must be made of the Vienna World Conference on Human Rights, the Beijing Fourth World Conference on Women, and the Copenhagen World Summit for Social Development.

37. The Vienna Declaration and Programme of Action (see Report of the World Conference on Human Rights, A/CONF.157/24) established a permanent link between extreme poverty and absence of the full and effective exercise of their rights by the extremely poor, stressing in particular that extreme poverty and social exclusion constitute a violation of human dignity.

38. The 1995 Beijing Declaration (A/CONF.177/20) emphasized among other things the persistence of the inequalities between women and men, a situation exacerbated by the increasing poverty that is affecting the lives of the majority of the world's people, in particular women and children.

39. Commitment 2 of the Copenhagen Declaration (1995 World Summit for Social Development, A/CONF.166/9), on the eradication of poverty in the world, is based on the action of States, at the national level, in partnership with all actors of civil society. Subparagraph (b) of this provision refers implicitly to certain fundamental rights of the individual, including the right to food, the right to education, the right to work, the right to health, the right to adequate housing, and the right to social and cultural participation.

40. In order to ensure the follow-up of the World Summit the General Assembly decided in its resolution 52/25 to establish a preparatory committee for its special session in 2000 for an overall review and appraisal of the implementation of the outcome of the Copenhagen Summit. With regard to Commitment 2, at its last substantive session of 1999 the Preparatory Committee emphasized the role which the United Nations system should play in poverty eradication.

41. In Commission resolutions 1998/25 (para. 6 (e)) and 1999/26 (para. 6 (b)) the independent expert was requested to contribute to the General Assembly's evaluation in 2000 of the World Summit for Social Development by making her final report and conclusions available to the Preparatory Committee for the special session of the General Assembly devoted to that evaluation.

2. The United Nations Decade for the Eradication of Poverty

42. The goal of the first United Nations Decade for the Eradication of Poverty (1997-2006) is to eliminate extreme poverty by means of national action and international cooperation. In 1997, as part of the observance of the International Year for the Eradication of Poverty, the Secretary-General of the United Nations expressed the view in his report to the General Assembly that the main requirement is to achieve stronger political commitment. He also stated

that poverty eradication is far more than just a national or international issue; every individual has the capacity to make a contribution, in particular through personal expressions of human solidarity (A/52/573, paras. 60 and 61).

3. Inter-agency action

43. In order to follow up the Statement for Action to Eradicate Poverty, which it had adopted in May 1998 (see interim report, E/CN.4/1999/48, paras. 52-62), in March 1999 the Administrative Committee on Coordination (ACC) adopted a poverty matrix. This reference document, drafted by the Consultative Committee on Programmes and Operational Questions, a subsidiary organ of ACC, is structured in the form of a table identifying the areas of intervention of the United Nations system. The matrix contains several provisions relevant to human rights (health, education, food, right to development).

44. In view of the upheavals in international society caused by inter alia globalization, in 1997 the Secretary-General of the United Nations launched a Programme for Reform designed to improve the coherence of the measures introduced in the United Nations system. This Programme provided for the creation of four executive committees, including the Executive Committee on Economic and Social Affairs and the United Nations Development Group (A/51/950 and Add.1-7). The United Nations Development Assistance Framework (UNDAF) is being developed by this Group. It was within this new structure that the Ad Hoc Group on Poverty was created in May 1999. Since then the working group has undertaken the preparation of a strategy to be implemented by the United Nations to halve by 2015 the number of people living in extreme poverty. The latest version of the strategy, dated 10 November 1999, sets out the future bases for the integrated approach of the United Nations system.

45. According to this strategy, the priority activities of the United Nations at the national level will be concentrated within the mechanisms of the UNDAF Common Country Assessment under the leadership of the United Nations resident coordinator.

4. Action by the Economic and Social Council

46. In his Statement on Poverty Eradication the President of the Economic and Social Council set out six strategic priorities. Where human rights are concerned, this Declaration focuses in particular on participation by the poor, promotion of the indivisible rights of women, employment, sustainable food security, the environment, the right to adequate housing, primary health care, universal access to primary education, good governance through respect for democracy, the rule of law in States, and respect for human rights.

5. The NetAid initiative

47. The purpose of the NetAid programme launched by UNDP is to promote, among other things, the right to information for the poorest people. The Internet, as an essential vehicle of the globalization of information, offers a new means of combating extreme poverty. Experience is showing that use of the Internet has a favourable impact on the process of eradicating extreme poverty in several areas: emergency situations (natural disasters, endemic diseases, AIDS), training, employment, education, the environment, etc.

6. The integrated framework of the World Trade Organization

48. The World Trade Organization (WTO) should take into consideration the role that the multilateral trade system could play in the eradication of extreme poverty. Trade liberalization and globalization have of course created many opportunities for the developing countries. But it must be pointed out that they have also strengthened the mechanisms of exclusion in the development of many economies.

49. At their first conference, in Singapore in 1996, the WTO ministers adopted the Comprehensive and Integrated WTO Plan of Action for the Least Developed Countries. This integrated framework envisages close cooperation between WTO and other bodies (World Bank, IMF, ITC, UNCTAD, UNDP) in order to furnish assistance in trade matters, including human and institutional capacity-building (WT/MIN(96)/14).

7. The partnership between the United Nations and the private sector

50. A number of initiatives have been born of the partnership between the United Nations and the private sector initiated in 1998, including one warranting particular attention here. The programme "Global Sustainable Development Facility" has brought big multinational corporations together with UNDP to develop a partnership between the United Nations and the private sector with a view to providing access to world markets for more than two billion poor people by 2020.

C. The increasing role of players acting independently of States

51. One of the main beneficial consequences of globalization has been the involvement of new protagonists - other than States - in development matters, in particular poverty eradication. This demonstrates the need to extend participation to a great variety of interlocutors working to combat poverty, such as civil society organizations, NGOs, the private sector, community-based organizations, local authorities, and the poor communities themselves (Report of the Secretary-General on poverty eradication, capacity-building, resources and funding, and the executive boards of the United Nations funds and programmes, E/1999/55, para. 54).

1. The importance of local authorities in poverty eradication

52. In demographic terms the extremely poor are becoming more sedentary. They move only rarely if at all, except when they become refugees. This fact underlines the usefulness of action at the local level. The scale of the policies to combat extreme poverty carried out by local authorities depends on the nature of their skills, their fiscal capacity, and their financial means. At two forums on the action taken by towns to fight against extreme poverty, organized with the help of UNDP and the World Alliance of Cities against Poverty in Algiers and Perugia, the independent expert observed the vitality and motivation of towns in that fight. She also expressed the view that the towns of the North must institute twinning and cooperation programmes with the towns of the South.

53. The role of police forces is a very important one, again as part of a local approach. During her various visits the independent expert noted the frequency of contacts between extremely poor people and the police: police officers very often provide their only daily contact with representatives of the public authorities. Very few police officers have been trained to deal with social problems or to understand the phenomenon of the social exclusion of the poorest people. In Hungary there is a formal agreement between the police and an association for the homeless; this is an approach deserving encouragement.

54. The independent expert also considers that a women's affairs section should be set up in each police department, for very many of the extremely poor are women, and once they begin to be criminalized they are more likely to fall victim to abuse of every kind.

55. Community-based organizations and NGOs are also very active in the fight against extreme poverty. During her various visits the independent expert observed the very effective activities conducted by a number of NGO networks: Twitezimbere in Burundi, religious communities in Lebanon, International Movement ATD Fourth World in France, Terre in Belgium (outside its country of origin), and RED in Guayaquil, Ecuador (representing 40 NGOs). However, according to a recent World Bank study, this community-based role is limited to informal networks. It is a task for NGOs to identify these networks and help them to organize themselves so as to secure legal recognition.

2. Women, central targets of anti-extreme-poverty measures

56. The extremely poor, especially women and girls, must be the principal actors in and targets of anti-extreme-poverty strategies. Most of the experts at the workshop on human rights and extreme poverty stressed the importance of the involvement of the poorest people in the formulation of strategies to combat extreme poverty (see also the 1996 study "Reaching the poorest" produced by International Movement ATD Fourth World and UNICEF). Women and girls are the most vulnerable of the extremely poor. The independent expert identified a number of areas in which immediate action should be envisaged.

(a) Women in prison

57. During her visits the expert studied the plight of women in prison in several States. National and international investigations must be conducted into women's prisons. Reception centres must be set up in these prisons. And on the outside there must be reception centres run by trained staff to facilitate the social reintegration of women released from prison. Nowhere in the world is human suffering greater than in women's prisons. Swift action must be taken to help the women languishing in these places without hope - in the sense that they will never find the money to pay their fines. The expert recommends that high priority should given to this matter.

(b) Prostitution

58. The increase in prostitution and trafficking in humans is a perceptible phenomenon in most of the countries visited. This manifestation of extreme poverty affects women and girls and children in general. Sweden recently introduced legislation designed to penalize the clients of prostitutes. The

expert recommends: (a) the dissemination of the study which led to the adoption of the Swedish legislation; (b) the development of police and legal measures to combat the traffic in human beings; (c) the installation of a women's affairs section in each police department, since women account for a large percentage of the extremely poor and, once they begin to be criminalized, they are more likely to fall victim to abuse of every kind; and (d) the inclusion of a specific component on respect for women's rights in police training. The exponential increase in prostitution is a reflection of the spread of poverty. Prostitution is a cancer that must be excised from the activities on which trafficking, Mafia operations and corruption are based. The ultimate goal is a complete ban on prostitution, for its very existence is an affront to women's dignity.

(c) Civil status

59. A declaration of civil status at birth is essential for all children and in particular for girls born to extremely poor mothers. The expert was able to gauge the risks resulting from the lack of a civil-status document for girls in the poorest communities: Indians in Ecuador, Gypsies in Bulgaria and the former Yugoslav Republic of Macedonia, and Twas in Burundi. This basic document is a first line of defence against the sale, slavery and prostitution of children, especially girls.

(d) Microcredit

60. Despite the difficulties of providing microcredit for the poorest people, it turns out that women are the most reliable borrowers. Microcredit providers must address the participation of the poorest women as a key component in the fight against extreme poverty. They must also give these women a role in the management of mutual associations.

D. The practice of States

61. The globalization process has not diminished States' capacity for action in development matters. There has merely been a redefinition of their role following the entry of new actors. At the 1995 World Summit for Social Development (A/CONF.166/9) 118 heads of State or Government committed themselves to the goal of eradicating poverty in the world through decisive national actions and international cooperation, as an ethical, social, political and economic imperative of humankind (Commitment 2). According to a UNDP report on 130 countries surveyed, three years after the Summit 78 of them now have stand-alone plans for poverty reduction or have an explicit component on poverty reduction within their national planning framework. A further 40 countries have national anti-poverty strategies under development (*Overcoming Human Poverty*, UNDP, New York, 1998, p. 22). The United Nations must now evaluate the implementation of these national action plans. On the basis of her various visits and the replies to the questionnaire sent to States the independent expert identified 13 categories of measures or programmes regarded as effective practices for combating extreme poverty. She decided to compose a questionnaire for Member States to obtain information about certain useful elements of national policies to combat extreme poverty in relation to the exercise of human rights. These elements include: decentralization and the role of local authorities; the link between national human rights institutions and social action; a guaranteed minimum income; social services in police forces; the

relationship between prison and the extremely poor; and the fact that some extremely poor groups do not obtain civil status.

62. Many Member States sent detailed replies to the questionnaire.1/ Some of them thought that their national action plans contained suitable responses. The expert believes that, ideally, one of the best national strategies that a State can carry out in its territory to combat extreme poverty will consist of the following 13 practices: (1) legislation on a minimum guaranteed income; (2) microcredit; (3) active local authorities; (4) social investment funds; (5) linkage of social assistance with employment by means of reintegration; (6) encouragement of education, particularly for girls; (7) legal assistance; (8) monitoring of prisons; (9) participation of the poorest people in information programmes; (10) police training; (11) anti-corruption legislation; (12) specific measures targeted on disadvantaged groups; and (13) price supports for basic goods. The following reference grids illustrate the impact of these 13 types of practice on certain human rights.

1/ The following countries have replied to the questionnaire: Algeria, Australia, Barbados, Benin, Brunei Darussalam, Burundi, Canada, Colombia, Costa Rica, Croatia, Cyprus, Ethiopia, Finland, Georgia, Germany, Ghana, Indonesia, Jamaica, Japan, Lebanon, Luxembourg, Mali, Morocco, Mozambique, Nepal, Oman, Republic of Korea, Republic of Moldova, Slovakia, Slovenia, Sweden, Switzerland, Syrian Arab Republic, Turkey, United Kingdom, United States, Uruguay and Viet Nam.

Analysis of anti-poverty successes
Human rights and extreme poverty
(Reference grid (part 1)

	1 Guaranteed minimum income (Act)	2 Micro-finance and banking procedures in place	3 Local authorities with real power to help	4 Social investment funds	5 Social welfare- employment link through occupational integration
Recommended reference texts	French, Portuguese, Yemeni, Macedonian Acts. Aid for Tunisian families. Lump-sum solidarity payment in Algeria.	European Commission, Com (1998) 527 (plus pilot project in Bulgaria). King Badouin Foundation in Belgium. Burundi, Cameroon, Cape Verde, Egypt, Mauritius, Senegal, Togo, Viet Nam, Algeria, Lebanon, India, Bolivia, Guatemala.	Bulgarian and Portuguese Acts. Pilot projects in Ecuador. Youth reception centres in Algiers.	Yemen Bulgaria Burundi (Twitezimbere)	Belgian and Portuguese Acts. Employment Fund in Viet Nam. Algeria: jobs, wages and local initiative programmes (ESIL)
Civil and political rights (social dignity)			Bulgaria: local democracy essential in giving every citizen a say. Viet Nam: the elections were held but the means are lacking.	Yemen: participation important - NGOs can propose projects to the Fund.	Occupational reintegration is key to social dignity and helps escape from poverty and dependence (French, Belgian Acts).
Right to education	Allows enjoyment of right to education, in particular by covering cost.		Portugal: local boards extremely important; receive government financial support. Lebanon: Decisive role of big NGOs in community.	Yemen: Fund plays important role; piloted by National Bank. Burundi: Twitezimbere - very important role.	Training for recipients of guaranteed minimum income and obligation to place beneficiaries in employment programmes run by public authorities (France, Belgium). Portugal has National Fund for companies promoting reintegration.
Right to housing	Good example of French Act.	Provides basic income to meet cost of rent (Yemen, Bulgaria, Lebanon).	Bulgaria: welfare tied to housing unit. Portugal: financial support for local councils.	Yemen: piloted by World Bank - well adapted. Burundi: same.	Local authority role in reintegration in Portugal (local reintegration boards).
Right to health	French Act (reference text), special section on medical welfare. In Yemen sufficient for access to hospital.	Pilot phase in Bulgaria, but still too little financing for projects for disabled.	Bulgaria: drive to restore health security in 2000 for polyclinics, 2001 for hospitals.	Yemen: support for primary health care centres. Bulgaria: pilot phase. Burundi: primary health.	

	1 Guaranteed minimum income (Act)	2 Micro-finance and banking procedures in place	3 Local authorities with real power to help	4 Social investment funds	5 Social welfare- employment link through occupational integration
Right to financial assistance for food	French Act. Portuguese Act (one-year pilot experiment). Yemeni Act (Social Welfare Fund). Bono solidaria in Ecuador.	Problems in Yemen (need to go through NGOs as banks refuse).	Portugal: local board with locally elected members and NGO for initial social survey (in each town). Bulgaria and Yemen.		
Women's rights	Equal rights to income for men and women (but linked to family situation).	Women's access to same financing: Yemeni banks reluctant. Development in Bulgaria, Burundi, Cameroon, Cape Verde, Congo Brazzaville, Egypt, Gabon, Morocco, Mauritius, Senegal, Togo, Tunisia and Viet Nam.	Portugal: wide powers. Bulgaria: welfare for women.	Women's access depends on family situation; great efforts made in Yemen and Burundi. Recruitment of women to police in Algeria.	Portugal: compulsory enrolment in reintegration programme, for women as well.

Analysis of anti-poverty successes
Human rights and extreme poverty
(Reference grid (part 2)

	6 Programmes to promote girls' education (reduction in cost)	7 Programmes in prisons (adolescents, release)	8 Legal aid for the poorest of the poor	9 Programme to involve the poorest (information on their rights)	10 Participation programme for the poorest (information on their rights)	11 Non-corrupt tax and legal system	12 Specific actions for special categories	13 Support for basic goods
Reference	Yemen, Canada Scr national à l'alphabetisa-tion. Becar. Scolar.	Yemen, Cape Verde	Belgium	Portugal, Ecuador (Codenpe)	Belgium + Portugal		Ecuador, Bulgaria, Burundi, Kosovo, Macedonia	Bono solidaria in Ecuador
Civil and political rights	Ecuador, Senegal	Imprisonment of very poor for not paying fines. Should be abolished and replaced by other penalties. Study under way in Cape Verde (USAID).	Priority aim in France, Portugal, Belgium.	Outreach to churches, schools, mosques. Locally and nationally elected representatives (Yemen). Special cases of illegals in Europe. Bulgaria: National Council on Ethnic Problems.		As a matter of principle, combating corruption is an essential component.	Rights of indigenous peoples in Ecuador (Codenpe). Rights of Macedonian Albanians (quotas).	Given to prisoners' families via churches. Problems of access for Indians.
Right to education	Essential in Yemen to prioritize girls' schools, of which there are very few. Portugal: nursery schools recently introduced nation-wide . Becar. Scolar in Ecuador: financial incentive for mothers if children attend school.			Portugal: special training for the most disadvantaged groups, identified by local board (citizens education board). Bulgaria: special programmes with UNDP for the excluded, retirees, single mothers and Gypsies. Ecuador: Codenpe convenes and informs all the indigenous peoples.	Social prevention system (Belgian USPP).	Releases essential financial resources.	Burundi: Batwas NGO. Kosovo: UN refugee protection (Schools).	
Right to housing							NGO: funds for Gypsy housing (Bulgaria).	

	6 Programmes to promote girls' education (reduction in cost)	7 Programmes in prisons (adolescents, release)	8 Legal aid for the poorest of the poor	9 Programme to involve the poorest (information on their rights)	10 Participation programme for the poorest (information on their rights)	11 Non-corrupt tax and legal system	12 Specific actions for special categories	13 Support for basic goods
Right to health	Yemen: birth-control programme (but contraceptives unaffordable).			Availability at health centres allows contact with poorest of poor.		Releases financial resources.	NGO: aid for Gypsies in Bulgaria, for Indians in Ecuador.	
Right to financial assistance for food				Food-distribution centre.	Police could be trained to identify persons needing help.	Bulgaria: problem of the Mafia, which uses the poorest.	Prevent their being refused social assistance.	Funding for cooking gas and electri-city.
Women's rights	First step in Yemen: minimum age for marriage. Media campaign (TV spots) on rights of the child.	Appalling situation of poor women in prison. Great need for care on release also.		Prostitution: move towards ban.	Need to set up youth sections in police services.		Poorest groups (plus prostitu-tion).	Given to women heads of family (via churches).

63. The expert also visited several countries during the second year of her mandate [see her interim report for the other visits (to France, Bulgaria, Yemen, Portugal), paras. 96-108]. In each country she noted that positive anti-poverty experiments had been carried out.

The former Yugoslav Republic of Macedonia

64. The former Yugoslav Republic of Macedonia is in fact in a special situation: transition to democracy, and war on its frontiers. The Government has survived several crises connected with the country's geographical location. It believes that the illegal economy has reached a level of 30 per cent. Sixty-five thousand families receive social assistance. Offices have been opened in every commune. A survey was made of "non-ownership" (even of a motor car) and "non-income" (about 100 dinars a month).

Lebanon

65. The budget of the Ministry of Social Affairs subsidizes the big NGOs in Lebanese communities up to a limit of 80 per cent. Twenty per cent is left for the public service operating in the social sector (Community Centre for Global Services). The National Social Security Fund compensates workers in the event of sickness but does not cover the disabled or retirees. Many elderly persons have a genuine income problem. UNDP has produced several excellent studies on Lebanon, especially at Baalbeck. The expert obtained more detailed knowledge of the poorest regions of the country (Hermel - Akka).

Algeria

66. The social improvements in the prefecture of Algiers show that a real effort has been made in exceptional circumstances. Among the various facilities visited, which were mostly fairly recent (1997-1999), the expert was impressed by the reception and counselling centre for young people in moral danger established by the local solidarity committee right in the middle of Bab-el-Oued.

Ecuador

67. The country is currently experiencing a serious crisis; as a result, the attention given to social spending and thus to the fight against extreme poverty has been reduced. Political decentralization, which is only just beginning, may provide a useful response in the quest for efficient management of social spending. In order to improve aid coordination the World Bank, which is the agency of reference, might strengthen still further its links with the NGOs working in the various regions of the country. The activities of the United Nations and its associated agencies are regarded as a means of making good the enormous social deficits. IMF, with its determination to have debt repayments completed, is a controversial institution outside Government circles, especially in the eyes of the representatives of the indigenous community, which provides the bulk of the poor population.

Burundi

68. The expert held a seminar in Bujumbura which was attended by all the social actors in Burundi. The world embargoes, which are having an impact on agricultural inputs, medicines and school equipment, have no effect in the battle against poverty. The embargo and, in more general terms, the country's international isolation have given rise to corruption, whereas the "honest men" tradition in this African country used to offer protection against corruption. Producing the opposite of the expected result, the embargo and isolation have reinforced groups which have no interest in the return of peace. It is ineffective to make aid dependent on a peace process because people are struggling in poverty every day without even knowing whether a peace process exists. Local authorities are doing important work but they are undermined by the existing situation; when they are present they are always regarded as an excellent interlocutor (as is the mayor of Bujumbura for example). Local authorities legislation will have to be imposed as a matter of urgency in Burundi, once peace is restored, in order to reinforce the structure of local autonomy and monitor the activities of the communes and their capacity to raise taxes.

Gabon

69. Although Gabon is not one of the poorest countries of Africa, poverty is increasing there. The structural adjustment policies and the consequences of the armed conflicts in the region (flows of refugees from the Republic of the Congo) have caused serious problems in Gabon (lack of primary health care, prostitution, street children, etc.).

Albania

70. Poverty in Albania is deep-rooted and structural (lack of infrastructure and hospitals, high cost of medicines), but the family structure is solid. There are few beggars (the occasional Gypsy). The low salary levels in the police force ($100 a month) mean a real risk of police corruption. The Government is hoping to complete its civil-registration programme for the whole population. The independent expert also visited several towns in Kosovo but she considers that the special situation there makes it impossible to identify factors connected solely with extreme poverty, although this phenomenon is certainly present. In addition, the special situation of embargo means that any analysis would be premature at this stage.

III. TECHNICAL COOPERATION

71. In paragraphs 109 and 110 of her interim report the independent expert identified, in general terms, the components which should be included in a technical cooperation programme to ensure respect for the rights of the poorest of the poor. In her final report, on the basis of her visits and the replies to her questionnaire, she has been able to identify with greater accuracy the areas in which technical cooperation in support of human rights can have an impact on situations of extreme poverty. She believes that such a technical cooperation programme must promote and protect the rights of the extremely poor through

capacity-building and consolidation of the rule of law, while giving particular attention to the training of social workers and police officers.

72. Such a technical cooperation project will have to organized at two levels: within the Office of the High Commissioner for Human Rights, and as part of its cooperation with other agencies.

A. Action by the High Commissioner for Human Rights

73. In view of the multidimensional nature of the phenomenon of extreme poverty, it would be wise to incorporate the extreme-poverty dimension in the mandates of the various special rapporteurs and representatives, independent experts, and working groups of the Commission on Human Rights. The existing manuals of the advisory and technical assistance services must identify the links that may exist with extreme poverty, and this dimension must be incorporated in future manuals. More specifically, courses must be devised both for the vulnerable groups affected by extreme poverty and for the professionals who are required to assist and support them in the short and long terms, such as parliamentarians, local authorities (role of the towns), police officers, teachers, social workers, and members of the health professions. Special attention must be given to the informal networks of extremely poor people and to local NGOs, with a view to improving their knowledge of their rights.

B. Inter-agency action

74. Today the whole United Nations system deals with questions of poverty. Many bodies, notably UNDP and the World Bank, provide technical assistance to help the poorest people. The task for the High Commissioner for Human Rights is to implement the programmes proposed and devise new integrated approaches in partnership with these bodies.

75. Within the framework of the strategy produced by the United Nations Development Group and with a view to halving extreme poverty by 2015, the country teams, under the leadership of the United Nations resident coordinators and in collaboration with national partners, must identify the specific areas in which intervention is needed. On the basis of this identification the High Commissioner will be able to promote the incorporation of a human rights approach in the efforts of the United Nations to eradicate extreme poverty at the national level, in particular as part of the Common Country Assessment and the United Nations Development Assistance Framework.

76. Lastly, within the framework of the NetAid initiative the High Commissioner, in collaboration with UNDP, UNICEF, UNESCO, etc., must encourage the dissemination of information available on the NetAid system, with the participation of all the actors concerned with development problems. The High Commissioner should also play a part in the mobilization of the resources needed for the implementation of the concrete development projects proposed through NetAid, with the participation of the poorest of the poor.

IV. CONCLUSIONS

77. Economic globalization or social globalization? The old century's end produced (at last) a very important debate: economic freedom, the foundation of growth, cannot of itself deliver social progress and cannot win the battle against extreme poverty. Socially coherent corrective measures must be brought to bear in this battle, in order to secure respect for the economic and social rights of every man and every woman on the planet.

78. Extreme poverty is a denial of all human rights. This fact establishes an essential link between extreme poverty and the indivisibility of human rights. Nevertheless, action in respect of certain essential needs (food, primary health care, primary education) will help to launch an effective strategy for combating extreme poverty.

79. The lack of political commitment remains a major obstacle in the struggle against extreme poverty. However, some measures are also being paralysed by the weakness of the State and its administrative and economic structures in many nations. The debt burden, armed conflicts, natural disasters and financial crises contribute to this weakness.

80. Legislation establishing a guaranteed minimum income is one of the most effective weapons for fighting extreme poverty. Such legislation is making progress in Europe, Asia and Latin America. Despite the problems of access to microcredit for the poorest people, the microcredit approach is to be encouraged, especially for women. It is a very effective means of structuring the informal market.

81. Non-governmental players, in particular local authorities, have more effective means than States to combat extreme poverty. The immobility of the extremely poor makes it easier to target assistance measures on them. The independent expert noted this fact, especially in Yemen and Burundi, where the social funds under which NGOs pool their efforts, in collaboration with the World Bank, are effective tools for fighting extreme poverty.

82. To fight against poverty is to offer a scrap of power to the poor. But this power is not given, it is obtained. Fighting requires organization. Increased cooperation with the NGOs working in the field with very poor groups should therefore be instituted by the bodies whose mandate is to combat poverty. The contribution of people living in extreme poverty can be decisive in the current debate on sustainable human development and the right to development, especially as today the concept of development is no longer perceived solely from the economic standpoint but from the social and cultural ones as well.

83. The contribution of social workers and NGOs will be crucial: they can provide a platform, identify useful requests, and ensure a hearing for people who have no voice. The expert would like these social workers, operating under public authorities (national, regional, local) or under private bodies (NGOs), to be trained in the global dimension of their profession and in the dimension of respect for human rights which that includes. The battle against extreme poverty can be won. The need is to forge the necessary political will and allow it to triumph.

V. RECOMMENDATIONS

A. A world alliance against extreme poverty

84. The combination of the Bretton Woods institutions and the agencies associated with the United Nations and the World Trade Organization in a world alliance is a necessary condition for the eradication of extreme poverty. The action taken by the United Nations bodies present in a country often seems weak in comparison with the decisive role of the Bretton Woods institutions (especially IMF). An IMF consultant can destroy in a day the patient work of thousands of social actors. In the end, global coherence will impose a single structure in place of three systems marching to different tunes. The construction of this coherence will the most important work of social progress in the 21st century. This international alliance will have to be established in an international instrument on extreme poverty.

85. The expert wishes to refer to the Statement of the President of the Economic and Social Council of July 1999 concerning the world alliance needed for the next century in the fight against poverty. A special team must be established, drawing its members from the United Nations and the international financial institutions, including WTO, to ensure coherence in the struggle for world development.

B. The social impact of the policies of the Bretton Woods institutions

86. For the short term the expert recommends that the Bretton Woods institutions should produce an annual report containing details on each country and an assessment of the social impact of their policies, in regard to the eradication of extreme poverty in particular. These country reports should in future include a summary of the contacts and collaboration with each sector and each specialized agency of the United Nations.

1. IMF and the fight against extreme poverty

87. The role of IMF and its impact on Governments in difficult situations is much more powerful than any influence brought to bear by the United Nations. All agreements with Governments should include a social clause spelling out the social policies which must be kept safe from budget cuts: education, health, basic hygiene, and housing. The expert recommends that the content of this protective social clause should be the subject of a joint report by UNDP, IMF, the World Bank and the High Commissioner for Human Rights, with the aim of protecting the specific aspects of the social policies of the countries involved in the negotiation. Since foreign debt is the subject of a separate report, the expert does not suggest any detailed rescheduling procedure. She considers in general terms that a compensation mechanism for financing spending in the fight against extreme poverty from the funds made available by rescheduling is a priority aspect of the role of the Bretton Woods institutions.

2. The World Bank and the overall coherence of the anti-poverty struggle

88. The expert was impressed by the efforts made by the World Bank and the development of its activities with regard to social policies, in particular the mechanisms for combating extreme poverty. She recommends recourse to the World

Bank social funds and suggests the designation of a focal point for a country's NGOs working to combat extreme poverty; this would also facilitate consistent action throughout the national territory. The problem of the piecemeal, sometimes conflicting, approaches of NGOs in the social sector might then be overcome. The example of the Twitezimbere network in Burundi should be followed. According to the expert's analysis, the World Bank should be encouraged to persevere in its efforts in this area. RED, an NGO network in Guayaquil, is a striking example of the progress that can still be made towards this goal of global coherence. The expert recommends transparency in the choice of projects under such an approach.

C. National human rights institutions

89. National human rights institutions very rarely incorporate the dimension of social and economic rights. Care must be taken to ensure that in every State these institutions are made aware of this dimension's connection with the rights of the extremely poor and do not limit themselves to civil and political rights.

D. Decentralization and local authorities in the fight against poverty

90. Poverty is local and it can be fought only at the local level. The expert studied this specific aspect in all the countries visited and in all the policies of the United Nations organizations and the World Bank. She recommends - as an essential condition of effectiveness - decentralization and recognition of the role of local authorities in social policy in general and in the fight against extreme poverty in particular. However, she considers that the transfer of powers to decentralized bodies in social matters and in the campaign against extreme poverty must always be matched by the resources needed for attainment of the social goals thus transferred to the towns or to local or regional authorities. This transfer of resources may originate from the central State in the form of subsidies or of authority to levy taxes. In this connection the expert examined in several Member States the advantages of a land or real-estate tax. She points out that a decentralization policy, even a very extensive one, must allow the central authorities to retain the power of decision with respect to the consistency of the anti-poverty programmes, the solidarity to be created between rich and poor entities, and the assignment of responsibility for the overall goals to the local authorities. For example: every local entity must eschew ethnic criteria when taking decisions on the granting of assistance. At all events, the central authorities must retain their function of monitoring compliance with the rules (especially in ethnic matters, when a local authority may deviate from them for reasons of internal balance). The involvement of the local civil society in the decision-making process was managed well in the Portuguese Act.

91. The expert considers that a local consensus is crucial: when it exists it can achieve far more than the available resources would seem to allow. This consensus can create jobs and attract economic investments. The work done by the World Alliance of Cities against Poverty, set up by UNDP, has prepared the way in this area; it must be encouraged. And local institutions should offer citizens, including the poor, an opportunity to commit themselves and become involved in the decision-making process, thus working to secure more equitable, transparent and responsible institutions.

E. Good governance

92. It is essential to pursue the struggle against corruption at all levels of society and especially at the level of the State, in order to ensure that social policies are carried through. The expert has realized the extent to which the key minister is the one in charge of finance and therefore of the collection of taxes. Without adequate revenue a State depends on foreign aid for its social policy. It is thus inescapable that the effectiveness of the finance minister is a necessary condition for the implementation of an anti-poverty policy. The expert considers that this key factor relates squarely to the purpose of her report and confirms the globality and indivisibility of rights. Democracy and civil and political rights, when effectively exercised, must allow a poor and numerous people to assert its economic and social rights as well. The organization of the poor and the networks made available to them for exercising their rights must enable them to express freely their needs and aspirations and transform them into mechanisms of democratic power. When confidence in democracy has been destroyed, exceptional efforts must be made to restore it. Corruption undermines democracy. The collection of taxes and their redistribution to people living in extreme poverty is also undermined. It is necessary to implement social policies of democratization designed to secure respect for human rights in countries riven by corruption.

F. The ineluctable responsibility of States

93. Even in a very critical situation a Government always has a choice among various ways of using its budget. It cannot simply let all social assistance be provided through projects subsidized by the specialized agencies of the United Nations or the World Bank. And they cannot agree to cover up the failure of the Government of the Member State in question to take decisions and set priorities in the fight against poverty. The expert recommends that this point should be reported on by the specialized agencies involved in the 20/20 Initiative. The other approach encountered is to let NGOs do the social work without giving them any significant aid. Here again the expert recommends particular vigilance on the part of the specialized agencies, so as to ensure a balance in the activities of NGOs and of the public authorities of the State in the campaign against extreme poverty.

G. The right to a civil status

94. The role of the State with regard to its extremely poor citizens is crucial for the recognition of their right to a civil status. It is essential to define the existence of a human being and thereby be in a position to regard him as extremely poor and then subsequently to bring him within the scope of the anti-poverty programmes. To disregard the existence of an extremely poor person by refusing to accord him a civil status or register him at birth or at the time of his entry into a country is to deny him an essential right. Most of the children begging in the streets in Latin America do not have any civil status and are not recorded in any statistics. In Ecuador, UNDP estimates the number of persons lacking civil status at between five and 10 per cent, and all of them are extremely poor. The expert therefore recommends a systematic programme for the exercise of the right to a civil status by all children as a means of opening up their entitlement to the benefits of social policies.

H. The regularization of the situation of persons without documents

95. In some Member States a lack of civil status does not indicate a failure to register births but rather the loss of civil status due to changes in refugee legislation or in the conditions for residence in these States. This loss of civil status is often accompanied by the loss of all social rights. The expert recommends that the situation of persons living in these States without documents should be regularized, in accordance with suitable criteria which ensure respect for human rights. She stresses the need to encourage in this connection the return programmes established by the International Organization for Migration.

I. The universal ratification of the relevant instruments

96. The 54 States (with a total population of 2.5 billion) which have not yet ratified the International Covenant on Economic, Social and Cultural Rights are requested to do so. A call must also be made for universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. States should have access to the necessary technical assistance for this purpose, provided at their request by the High Commissioner for Human Rights. Attention must be drawn to the importance of the draft optional protocols to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women, which are designed to allow their monitoring bodies to receive individual communications. The protection of economic, social and cultural rights would be strengthened by the ratification of regional instruments such as the European Social Charter (amended) and the Protocol of San Salvador on human rights in the area of economic, social and cultural rights. Mention must also be made of the various conventions on slavery, for the traffic in human beings is the modern form of slavery.

J. Microcredit

97. The expert was able to gauge the importance of microcredit in the economic activities of women. These microcredit experiments have been carried out in both rich and poor countries. Women should also be involved in the management of lending institutions instead of being regarded merely as recipients of loans. The adoption of legal frameworks for micro-financing accepted by national banking systems and giving priority to women's needs ought to facilitate the initiatives taken by micro-enterprises, which create jobs and reduce poverty.

K. A minimum guaranteed income and basic social security legislation

98. All national legislation should establish the right of all persons falling within its scope to a minimum guaranteed income and provide the necessary budget resources. This right should facilitate access to the personal rights which underlie the essential social services: social assistance and medical care, food, housing , employment, training, education and culture. In no case can extreme poverty justify the violation of human rights. Where health is concerned, the State should introduce programmes to cover the costs of primary care, hygiene and the specific diseases associated with extreme poverty. Depending on the State and its social situation, access to ownership of land,

farm land in particular, can have an equivalent effect. Legislation on a minimum guaranteed wage is only a first step towards this necessary protection of the poorest people, and a legal link must be established between minimum wages and minimum incomes. The introduction of a minimum hourly wage in the United Kingdom is a noteworthy development.

L. Employment policies and jobs programmes for the very poor

99. Any jobs creation programme must include a component on jobs for extremely poor persons. In addition, national legislation should promote policies for occupational integration or re-integration which target their measures more specifically on the poorest population groups: women, single mothers, adolescent migrants, members of minorities, indigenous peoples, the disabled, persons displaced within their own country, the elderly, and the homeless. Jobs creation and the fact of obtaining a job mark an important stage in the process of escaping from extreme poverty. Jobs-creation organizations must be encouraged by the State (social economy). The example of Terre in Belgium, with its recycling of newspapers and old clothes, is a significant one.

M. Special measures to help extremely poor women

100. The situation of extremely poor women is taken into consideration in each recommendation: employment and re-employment, minimum income, World Bank and social funds, situation of persons without documents, etc. However, several measures can be of direct benefit to these women: an organized and effective campaign against the traffic in human beings, including the sale of organs; the prosecution of prostitution networks; recourse to microcredit; and support for women in prison or having contact with the forces of law and order. The recruitment of women police officers can be a useful means of encouraging a preventive rather than a repressive attitude towards extremely poor women.

N. Extremely poor older persons, especially women

101. The situation of extremely poor older persons is a tragic one in many countries, and population-aging will only exacerbate it. Specific policies must be devised for these people (reception centres, health policies), in particular the women among them. The expert notes the excellent work done by Coalition-99 (the American Association of Retired Persons) during the International Year of Older Persons, which proved extremely useful in:

(a) Ensuring the provision of retirement pensions for women which are adequate to meet their needs for food, clothing, shelter, health care and self-support;

(b) Providing for older women life-long appropriate educational and training programmes for the full development of their potential, taking into account changing socio-economic programmes, technologies and culture;

(c) Promoting the active role of women in society through intergenerational cooperation;

(d) Providing a safer environment for older women, where they can live with dignity, free of exploitation and physical and mental abuse.

102. Mental or physical disability aggravates extreme poverty and often bears a direct correlation to poverty. Cover of the costs of decent residential care must be the goal.

O. The transfer of resources

103. International solidarity with the countries of the third world should be expressed by the allocation of 0.7 per cent of national budgets to official development assistance. The 20/20 Initiative is also to be encouraged, together with the transfer of national and international resources from the military to the social sector. The world economic situation would be more equitable if capital flows were regulated, if the insupportable foreign debt of the heavily indebted poor countries was cancelled, and if a start was made on the democratic reform of the international financial and trade organizations. Encouragement should be given in this connection to the aid programmes for the heavily indebted poor countries within a framework of integrated development proposed by the World Bank. Support must be given to the efforts of OECD, which is also seeking to identify the necessary resources.

P. Information and education for the poorest people concerning their rights (particularly ethnic groups)

104. Specific human rights education techniques must be devised to reach persons in situations of extreme poverty, who are often illiterate. Local authorities should put across the messages by simple means, using the national media and outreach services in the places where these people live. These messages could be backed up by simple handbooks and cartoon strips providing information about the available services. One example is the publication on this topic issued by International Movement ATD Fourth World.

105. Another rarely exercised right of the extremely poor is access to culture. Several initiatives linking culture with poverty have been highlighted by UNDP. The expert recommends measures for free admission to theatres, cinemas and exhibitions for the extremely poor.

106. The expert has considered the Gypsy populations in the former Yugoslav Republic of Macedonia, the Batwas in Burundi, and the Indians in Ecuador: to varying degrees, the main problem is to gain knowledge about these peoples and find ways of reaching them and talking to them about their rights. Specific measures involving social workers must devised for this information activity.

Q. Prison systems and the extremely poor

107. Extreme poverty often brings people into conflict with the forces of law and order and with the justice system. And prison populations consist mainly of extremely poor people. These people remain in prison after serving their terms because they cannot pay their fines. The rules of legal systems must therefore be adjusted to this reality, alternatives to imprisonment must be introduced, and special training must provided for judicial personnel.

108. Specific arrangements must be introduced in all States to ensure free access to legal aid and the assistance of counsel for all extremely poor persons. The available professionals should be given special training.

109. Alternatives to judicial measures, such as mediation, must always be encouraged, provided that they are voluntary. However, human rights must be respected when mediation is used, and it should not supplant recourse to the legal system; mediation could be used to resolve both individual and collective disputes. It could also be used to prevent such disputes. Reception centres operating in parallel with the prison system might also prove effective.

R. The police and the extremely poor

110. Very often, an extremely poor person's only interlocutor will be a police officer (begging, theft, etc.). Few police officers have been trained to deal with extreme poverty in a non-repressive way. The attendance of social workers to provide professional liaison with the police should be encouraged. The training of police forces in human rights in general and in economic, social and cultural rights in particular will be an indicator of progress for the next century. The recruitment of women police officers will secure better respect for the rights of all people. The relations between the police and the social assistance agencies must be entrusted to a special service with specially trained personnel.

S. Social workers and technical assistance

111. Every Government which so requests should be furnished with a technical assistance programme on respect for the human rights of the poorest people, in particular with regard to the training of police officers, prison warders, and the personnel of the judicial system in general.

112. Social workers remain the chief interlocutors of persons living in social exclusion; they are sometimes regarded by these people as agents possessed of enormous powers, whose decisions are hardly subject to discussion or remedy. Accordingly, social workers should be trained to play their part as agents of human rights and experts on the lives of the poorest and most marginalized people. The expert recommends the production of a manual to enable social workers to acquire a deeper knowledge of human rights. Such a manual, addressed to all social workers, would have the following purposes:

(a) To assure them that their work is part of a whole: they are not alone;

(b) To enhance the status of their work: although not always remunerated at its true value, their work is an essential factor in securing respect for human rights, including the economic, social and cultural ones;

(c) To inform them about the international framework (key texts, especially the relevant articles of the Copenhagen Declaration on Social Development;

(d) To provide them with a guide to the best practices and examples of successful action;

(e) To show them the usefulness of the international instruments, especially for purposes of comparison.

T. Specific targeted financial incentives

113. The expert considered various specific measures which have proved useful: support for basic goods, land acquisition, and children's education. She notes however that these measures do not free people from extreme poverty. They should be considered only as associated measures.

U. The effects of sanctions and armed conflicts

114. Refugees and persons displaced within their own country, who are often the poorest of the poor, should receive priority attention in the social policies of States. It must be pointed that access to education for migrants is the key factor in their integration, while contact with a migrant's country of origin is something for the future. International economic sanctions, especially when adopted by the Security Council, must be so designed that they do not aggravate a situation of extreme poverty in the country in question. In particular, they should be compatible with the effective exercise of the human rights of civilians, especially their economic, social and cultural rights. In Burundi, and equally so in Lebanon and Kosovo, the aftermath of the armed conflict has been devastating for the vulnerable population groups. The effects of sanctions and embargoes are negative in this respect.

V. A draft declaration

115. A workshop was held with the independent expert in 1999 with a view to furnishing the international community with the main elements for a draft declaration on human rights and extreme poverty. This declaration would be based on the common preamble of the two international covenants of 1966 and on other relevant instruments which recognize that the ideal of the free human being liberated from fear and poverty can be realised only if the conditions are created to enable all people to exercise all their rights. The conclusions of this workshop are contained in the addendum to the present report (E/CN.4/2000/52/Add.1).

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Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Open-ended working group on structural adjustment programmes and economic, social and cultural rights

Note by the secretariat

1. In its decision 1999/104, the Commission on Human Rights authorized the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for two weeks well in advance of, but at least four weeks prior to, the fifty-sixth session of the Commission with the mandate to: (i) consider the updated report of the independent expert and comments received thereon; (ii) elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions; and (iii) report to the Commission at its fifty-sixth session.

2. Taking into account the related nature of the issues of foreign debt and structural adjustment policies, the Special Rapporteur, Mr. Reinaldo Figueredo, and the independent expert, Mr. Fantu Cheru, decided to submit a joint report for the consideration of the working group scheduled to meet in Geneva from 28 February to 10 March 2000. The joint report is contained in document E/CN.4/2000/51.

3. On 28 February 2000, the representative of the High Commissioner for Human Rights opened the third session of the working group. In view of the fact that there was no proposal for a chairperson and that for technical reasons the joint report of the independent expert and the Special Rapporteur had only been circulated that day, she proposed an adjournment to allow further consultations to take place. This proposal was agreed by all present.

4. Following consultations among regional coordinators, the working group resumed its session on 7 March 2000. On a proposal from the delegation of Sri Lanka on behalf of the Asian Group, Mr. Syed Mansur Raza (Pakistan) was elected Chairperson of the working group. At the meeting, it was agreed that the current session of the working group should be adjourned and that the Commission on Human Rights asked to extend the mandate of the working group and authorize it to hold another session for two weeks between the fifty-sixth and fifty-seventh sessions of the Commission.

5. The present document is submitted to the Commission in accordance with that decision.

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

Human rights in the administration of justice, in particular of children and juveniles in detention,

Report of the Secretary-General submitted pursuant to Commission resolution 1998/39

GE.00-10105 (E)

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I. INTRODUCTION

1. In its resolution 1998/39, the Commission on Human Rights, deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities and aware of the need for special vigilance with regard to the specific situation of children and juveniles, in particular their vulnerability to various forms of abuse, injustice and humiliation, requested the Secretary-General to submit a report to it at its fifty-sixth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular juvenile justice, including on the role of technical assistance of the United Nations system in this regard.

2. The present report is submitted in accordance with that request.

II. LEGISLATIVE BACKGROUND

A. International Covenant on Civil and Political Rights

3. The first international instrument to adopt standards relating to justice for children was the International Covenant on Civil and Political Rights (ICCPR). Specifically, the ICCPR prohibits the imposition of the death penalty on people below 18 years of age (art. 6 (5)), mandates that children accused of crimes shall be separated from adults and brought speedily before a judge (art. 10 (2) (b)), ensures that child offenders are accorded the same rights as any other accused in criminal proceedings (art. 14 (1)), and requires States parties to provide criminal procedures that take into account the age and desirability of promoting the rehabilitation of children in conflict with the law (art. 14 (4)).

B. Convention on the Rights of the Child

4. The principal articles of the Convention on the Rights of the Child that deal with juvenile justice are articles 37, 39 and 40.

5. Article 37 relates to the treatment of children in conflict with the law. It stipulates that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, that no child shall be deprived of his or her liberty unlawfully or arbitrarily, that every child deprived of liberty shall be treated with humanity and respect and that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance.

6. Article 39 relates to the rehabilitation of children subjected to mistreatment in various forms. It requires States parties to take all appropriate measures to promote physical and psychological recovery and social integration of the child victim.

7. Article 40 relates to respect for the dignity of children before the law. It recognizes the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated with dignity and worth consistent with the child's reintegration into society. In particular, every child accused of infringing the law is to be presumed innocent until proven guilty; to be

informed promptly and directly of the charges against him or her; to have the matter determined promptly by a competent, independent and impartial authority or judicial body; not to be compelled to give testimony or to confess guilt; to have the possibility of judicial review of a decision; to have access to an interpreter; to have full respect for privacy.

C. The Beijing Rules

8. The objective of the United Nations Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) is to provide a comprehensive social policy regarding the treatment of juveniles. The Rules establish minimum standards that are formulated in such a way that they may be applicable to the different legal systems of States.

9. The Rules set out the objectives of the juvenile justice system, the basic rights of juveniles, the duties of parents and guardians, steps to ensure that periods of detention are short, measures to ensure a fair trial, principles for decision-making by courts, the principle of confidentiality, respect for professionalism in the juvenile justice system, and means of providing for assistance to and rehabilitation of juveniles.

D. The Riyadh Guidelines

10. The United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) recognize that the prevention of juvenile delinquency is an essential part of crime prevention in society (guideline 1). To this end, the Guidelines establish relevant principles and guidelines relating to general prevention of delinquency, the socialization and integration of children, guidelines for social policy, legislation and juvenile justice administration, as well as guidelines for research, policy development and coordination.

E. United Nations Rules for the Protection of Juveniles Deprived of their Liberty

11. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty establish rules relating to juveniles under arrest or detained while awaiting trial as well as rules concerning juveniles in detention. The rules relating to juveniles under arrest or detained while awaiting trial are based on the principle that juveniles are presumed innocent and should be treated as such (rule 17). Juveniles should be detained in only exceptional cases and highest priority should be given to expedite cases of juveniles in preventive detention (ibid.). Juveniles detained while awaiting trial have the right to legal counsel, the right to apply for legal aid (rule 18 (a)) and shall be separated from convicted juveniles (rule 17).

12. In relation to juveniles in detention, rules are established relating to the management of juvenile facilities, the standard of personnel working in juvenile facilities, the physical environment and accommodation of juveniles in detention, the education, training of juveniles in detention, respect for the child's religion, medical care for juveniles in detention, notification of illness, injury or death, contact with the wider community for children in detention, the limitation of physical restraint and use of force and other disciplinary procedures as well as guidelines for the return of the child to the community.

III. THE COMMITTEE ON THE RIGHTS OF THE CHILD

13. The Committee on the Rights of the Child was established in 1991 to monitor the progress made by States parties in achieving the realization of the rights in the Convention on the Rights of the Child. Since 1993, the Committee has considered the initial and periodic reports of 110 States parties to the Convention and has adopted concluding observations pursuant to the consideration of these reports, including recommendations relevant to the question of juvenile justice. In these concluding observations, the Committee has often advised States parties to seek technical assistance in an effort to develop capacities to implement effectively the rights of the child.

14. In particular, the Committee has stressed the importance of widely disseminating the provisions of the Convention relating to juvenile justice and has encouraged the development and implementation of systematic training curricula. In particular, training should explain the international standards on juvenile justice and develop new attitudes and approaches to juvenile justice in order to enhance respect for all children, regardless of their social, economic or other background. Training should be directed to police and law enforcement officers, staff in correctional facilities and detention centres, judges, social workers, counsellors of young offenders, military personnel and other administration of justice officials.

15. In particular, during its twenty-second session (20 September - 8 October 1999), the Committee adopted a recommendation on the administration of juvenile justice. The recommendation notes that in the experience of the Committee, the provisions of the Convention relating to the administration of juvenile justice are in many instances not reflected in national legislation or practice, a fact which has given the Committee serious cause for concern.

16. Technical assistance has an important role to play in bridging the gap between international standards and the national implementation of those standards.

17. In order to ensure that the recommendations of the Committee are implemented at the national level, the Committee has started monitoring the technical assistance being provided by United Nations organizations and other organizations in the field of children's rights.

IV. UNITED NATIONS CHILDREN'S FUND

18. The United Nations Children's Fund (UNICEF) considers the Convention to be the starting point for ensuring that the rights of children in conflict with the law are protected. To this end, UNICEF implements the international standards relating to juvenile justice through technical assistance in four main areas: law reform, training, assistance to institutions such as prisons and crime prevention.

19. UNICEF gives technical assistance to Governments in the area of law reform through assessing legislation that is already in force and through designing new legislation. Typically, relevant legislation of a country requesting technical assistance will be identified and then assessed according to international standards. Where legislation is incomplete, new laws will be drafted or existing laws amended upon request. Current law reform projects have been

commenced in over 30 countries. Major law reform projects relating to juvenile justice are located in Albania, Brazil, Burundi, Côte d'Ivoire, Malawi, Rwanda, Senegal, South Africa, Viet Nam and most countries of Latin America.

20. UNICEF emphasizes training as an important aspect of implementing international standards on juvenile justice. Experience has shown that while some countries have relatively sophisticated juvenile justice legislation in place, there is not a developed juvenile justice system to ensure that rules are implemented. In many countries, prison officers, prison wardens, legal professionals and judges are unaware of the existence of juvenile justice legislation either nationally or internationally. Training programmes of UNICEF involve both developing training modules as well as organizing and presenting training sessions for professionals working with children in conflict with the law. UNICEF has over 40 country offices, most of which are involved at some level with developing or presenting training programmes including aspects that relate to juvenile justice.

21. UNICEF is also involved in technical assistance at the institutional level. Institutional work is directed towards guaranteeing basic social services for children within the juvenile justice system. UNICEF considers the provision of adequate food, health services, leisure facilities and education to be a basic right and essential for the well-being of institutionalized children. UNICEF considers its involvement in rehabilitation of children and their reintegration into society as a particularly important aspect of its work.

22. UNICEF believes that continuing to implement international standards, in particular the Convention on the Rights of the Child, through its programmes, is an important way to reduce delinquency and avoid situations where children come into conflict with the law. The guarantee of basic social services for children, the provision of housing, access to health services, food and the participation of children in society are particularly useful in this regard. Most aspects of the technical assistance of UNICEF are directed to reducing juvenile delinquency in one way or another.

V. OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

23. The Office of the High Commissioner for Human Rights (OHCHR) implements the international standards relating to juvenile justice mainly through its law reform and training programmes and through the inclusion of juvenile justice in the development and implementation of national plans of action on human rights.

24. OHCHR participated in a seminar on National Institutions and Children's Rights in Manila in September 1999 which included a component on the implementation of standards concerning juvenile justice. The seminar followed the annual meeting of the Asia-Pacific Forum of National Human Rights Institutions and was widely attended by representatives of national institutions in the region.

25. In the report of the High Commissioner for Human Rights to the General Assembly in 1999 (A/54/36), the High Commissioner noted that juvenile justice constitutes one of the main challenges for the implementation of the Convention on the Rights of the Child. As a result, the

High Commissioner has decided to focus attention on the issue of juvenile justice in the future, possibly through the organization of a major international conference in 2002.

26. While such a conference is only at the proposal stage, possible objectives could be: first, to raise awareness among States about the worldwide critical status of children in conflict with the law and the need to increase efforts to enforce legally binding norms in this field; and second, to increase technical assistance in the field of juvenile justice.

VI. CENTRE FOR INTERNATIONAL CRIME PREVENTION

27. The Centre has been involved in two projects that relate to the implementation of international standards on juvenile justice. First, the Centre has developed a child criminal justice manual. The objective of the manual is to help States implement international standards on juvenile justice by outlining the relevant aspects of the Convention and the Beijing Rules and the Riyadh Guidelines and by giving examples of good practice relevant to the implementation of international standards. Examples relate to the treatment of juveniles in detention, the administration of juvenile justice and the prevention of juvenile delinquency. The manual is designed to help Governments in implementing international standards as well as international organizations in developing and implementing technical assistance programmes in the area. The manual, which was finalized in 1998, has not yet been published.

28. The Centre has also developed a model law for use by international organizations implementing international standards in the area of juvenile justice. The model law is a tool for technical assistance rather than a legal instrument as such. The law is used as a benchmark and analysis tool for international organizations providing technical assistance in the area of law reform.

29. The Centre for International Crime Prevention has reduced its involvement in the provision of technical assistance in the area of juvenile justice and has not undertaken any new programmes for the 1998-1999 period because of lack of funding and a new setting of priorities for the Centre.

VII. COORDINATION PANEL ON TECHNICAL ADVICE AND ASSISTANCE IN JUVENILE JUSTICE

30. The Coordination Panel on Technical Advice and Assistance in Juvenile Justice was established pursuant to Economic and Social Council resolution 1997/30. The members of the Panel are UNICEF, OHCHR, the Centre for International Crime Prevention (CICP), the Committee on the Rights of the Child and the International Network on Juvenile Justice, a non-governmental organization. The objective of the Panel is to enhance, coordinate and strengthen technical cooperation in the area of juvenile justice. The first meeting of the Panel was held in Vienna from 25 to 26 June 1998.

31. The members of the Panel undertook to take all appropriate measures and coordinate their action to establish new technical assistance programmes and reinforce existing technical programmes in the area of juvenile justice in six countries, namely Uganda (UNICEF to take the lead), Bangladesh (existing co-project of UNICEF and CICP), Guatemala (UNICEF, CICP and

OHCHR), Lebanon (CICP, in conjunction with UNICEF), the Philippines (OHCHR, in conjunction with UNICEF) and a future programme in Viet Nam (OHCHR and UNICEF).

32. The Panel has not reconvened since its first meeting.

VIII. SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

33. The Special Rapporteur considers that a focus on the criminal justice system is of particular importance in connection with the commercial sexual exploitation of children. The justice system can be a forceful ally of children on at least two levels: prevention of child abuse and exploitation, and avoiding secondary victimization of children in its response processes.

34. The Special Rapporteur notes that the first step in utilizing the justice system as a preventive tool is getting the child, or those acting on his or her behalf, to complain. However, in spite of appeals for strengthened children's rights, a child still often looks at the justice system with confusion. This is partly due to the fact that the justice system often neglects the child victim as a major claimant of protection in the legal process.

35. The Special Rapporteur, in her report to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/95 and Corr. 1), noted problem areas both nationally and internationally. Nationally, there were problems in the areas of law enforcement, including the prosecution of offenders and the attitude of courts to child victims. Further, at the national level, recovery of damages was time-consuming and expensive and reintegration within the family and society was also traumatic and difficult. At the international level, crimes against children were difficult to pursue owing to substantive legal and procedural problems, differences in language, as well as the difficulties in bringing witnesses to a court in a different jurisdiction.

36. The Special Rapporteur listed recommendations to improve access to justice by children. Technical assistance in the implementation of international standards on juvenile justice had a role to play in implementing those recommendations. Specifically, international assistance was relevant to the training and sensitization of police officers appointed to deal with child victims, the preparation of a police manual on procedures for handling children, the confidentiality of records, training programmes for law enforcement authorities to deal with transnational trafficking in children, and law reform as a means of synchronizing national laws on crimes against children.

IX. OBSERVATIONS

37. Technical assistance of the United Nations system has an important role to play in coordinating and monitoring the implementation of international standards relating to the administration of justice, in particular juvenile justice. The technical assistance of the Office of the High Commissioner for Human Rights, the United Nations Children's Fund and the Centre for International Crime Prevention helps States implement international standards specifically through organizing programmes that relate to law reform, training of personnel, institutional support and, perhaps most importantly, by preventing juvenile delinquency. Such assistance has

helped effective national implementation of standards. The Coordination Panel on Technical Advice and Assistance in Juvenile Justice provides an important tool to assist the implementing agencies coordinate their assistance.

38. The implementing role of the organizations of the United Nations is complemented in turn by the monitoring activities of the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography. In particular, the Special Rapporteur on the sale of children, child prostitution and child pornography has emphasized an area of juvenile justice which is sometimes overlooked, namely the situation of child victims accessing the justice system. The monitoring role of the Committee on the Rights of the Child is also important - which has recently been facilitated by OHCHR's technical assistance monitoring. The monitoring role of the Committee helps ensure the coordination of technical assistance programmes as well as promote the implementation of international standards.